

Flat
37 Theobalds Road
Holborn
London WC1X 8SP

Neil Collins
Regeneration and Planning
Development Management
London Borough of Camden
Town Hall
Judd Street
London
WC1H 8ND

5 February 2015

Dear Sir

PLANNING APPLICATION NO 2014/6674/P

Thank you for your letter of 15 January 2015 inviting us to comment on the above application which you describe as follows:

Change of use of front part of the ground floor from retail (Class A1) to restaurant (Class A3), installation of rooflights to rear ground floor and extract duct to rear elevation.

We have examined the plans and supporting documents that have been lodged with the applicant's planning application and wish to object in the strongest possible terms to the proposed development.

The Building

Our property comprises the first, second and third floor flat at 37 Theobalds Road, which is above the ground floor and basement leasehold premises. 37 Theobalds Road (the "Building") is a fine Victorian brick built mid-terrace building located within the Bloomsbury Conservation Area. The front of the Building faces Theobalds Road whilst the back of our property looks out on to Lamb's Conduit Passage, which is a pedestrian only public open space between Red Lion Square and Red Lion Street that is enhanced by three attractive mature trees. The first, second and third floors at the back of the Building together with the pitched tiled roof can be viewed from ground level in Lamb's Conduit Passage.

The rear of the Building is directly overlooked by a number of residential properties that face Lamb's Conduit Passage. A couple of these properties have the benefit of outside terraces. Due to its height the rear elevation of the Building can also be clearly seen from neighbouring properties situated in Eagle Street, Red Lion Square and Red Lion Street, including the Conway Hall and Nos. 45-46 Red Lion Street which are Grade II listed buildings.

The proposed construction and installation to the rear brick wall of the Building of a galvanised sheet steel extract duct mounted directly between the six sash windows on the first, second and third floors and protruding high above the roof line will look ugly, over-bearing, out-of-scale and out of character.

We understand that in determining a planning application within a conservation area a local planning authority must pay special attention to the desirability of preserving the character or appearance of the conservation area. The proposed development, which includes the installation of rooflights to the rear ground floor and the construction of a hideous extract duct to the rear elevation of the Building, is of a harmful character and appearance that will diminish the public visual amenity within a conservation area.

The application for planning permission

There are a significant number of material discrepancies between the Application for Planning Permission Town and Country Planning Act 1990 form dated 21 October 2014 (the "Application Form") submitted by Saloria Architects on behalf of the applicant and the documents which have been lodged in support of the application. Furthermore, there are a number of serious irregularities in the Application Form which we have detailed below.

The Application Form states at section 1 that the applicant is "Sfizio Ltd" which was incorporated in England & Wales on 13 May 2014 with company no. 09036649. However, the applicant is identified in the Camden Application Details as Mr Zohaib Khan. We understand that Mr Khan was appointed a director of Sfizio Limited on 12 November 2014. Companies House lists the service address for Mr Khan as 24 Bedford Row, London WC1R 4TQ which is the office of Mehta & Tengra, Chartered Accountants.

Neither Sfizio Limited or Mr Khan appear to have any proprietary interest in the Ground Floor and Basement of the Building which was let by the London Borough of Camden to a company called Sfizio Caffè Limited on 20 June 2013 for a term of 12 years from 1 May 2013 (Title No. NGL937421). For ease of reference we enclose a copy extract of the register of the freehold title for 37 Theobalds Road which details the parties to the lease for the Ground Floor and Basement – the lessee is Sfizio Caffè Limited.

Sfizio Caffè Limited was incorporated in England & Wales on 3 September 1996 with company no. 03245112. Mr Khan is not registered as a director or shareholder of Sfizio Caffè Limited. The only relationship between "Sfizio Ltd" and the registered leasehold proprietor of the Ground Floor and Basement of the Building appears to be that the respective companies share the name "Sfizio".

On 13 January 2015 the Registrar of Companies wrote to the directors of Sfizio Caffè Limited giving notice that *"unless cause is shown to the contrary, at the expiration of 3 months from the above date [13 January 2015] the name of SFIZIO CAFFE LTD will be struck off the register and the company will be dissolved. NB Upon dissolution all property and rights vested in, or held in trust for, the company are deemed to be bona vacantia, and accordingly will belong to the crown"*. For your reference we enclose a copy of the notice sent to Sfizio Caffè Limited.

The Certificate of Ownership – Certificate A Town and Country Planning (Development and Management Procedure) (England) Order 2010 Certificate under Article 12 in section 25 (Certificates) of the Application Form states that, *“nobody except myself/the applicant was the owner of any part of the land to which the application relates...”* The certificate was completed by “Sfizio Ltd” and is followed by a declaration dated 21 October 2014 that *“to the best of my/our knowledge, any facts are true and accurate...”*

In light of the above it is evident that the applicant has made a false declaration.

In section 3 (Description of the Proposal) of the Application Form the applicant has described the proposed development as *“Continuation of A3 use on part ground floor and basement and extending A3 to front of the building and construction of extractor duct to the rear elevation.”* We can see no reference to the *“installation of rooflights to rear ground floor”* in the Application Form or the supporting documents which have been lodged with the local planning authority. We cannot reasonably be expected to comment on this particular aspect of the development proposal given that the applicant does not appear to have provided your department with any details.

In section 14 (Existing Use) of the Application Form the applicant states that *“The premises is presently a shop Part A1 and part A3”*. However, in section 18 (All Types of Development: Non-residential Floorspace) the applicant contradicts this statement by not detailing any existing gross internal floorspace for the A1 use class. Instead the applicant attributes all of the internal floorspace to A3 use (90 sq. metres). Bizarrely, in response to the subsequent question in section 21 (Site Area) of the Application Form *“What is the site area?”* the applicant has answered *“59.00 sq. metres”*.

Section 15 (Trees and Hedges) of the Application Form invites an applicant to answer the question *“Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character?”* The applicant has stated *“No”*. As detailed in the first paragraph of the section of this letter headed *“The Building”* there are in fact three mature trees in Lamb’s Conduit Passage which greatly enhance the local landscape character. No tree survey has accompanied the planning application.

Noise and disturbance

In section 20 (Hours of Opening) of the Application Form the applicant is asked *“if known, please state the hours of opening for each non-residential use proposed”* to which the applicant has disingenuously responded *“Not Known”*. However, in the Design and Access Statement (the **“D&A Statement”**) that accompanies the application Saloria Architects refer to *“Extended opening hours from 7 am to 11 pm (Monday to Friday) and 11 am to 11.30 pm on Saturday and Sunday...”* and *“Open on Saturday and Sunday to improve vibrancy...”* Further, the Noise Assessment Report dated 5 December 2014 prepared by Clover Acoustics Ltd (the **“Noise Report”**) that accompanies the application is also revealing in that at section 4 (Site Description) it states *“The current application hours of operation are Mon-Fri 07:00-23:00 and Sat-Sun 11:00-23:30”*.

The Noise Report indicates that *“The proposed extract system is to include a SMVW 560/4 extraction fan which is likely to run throughout the proposed operational hours”* which in effect means that if planning permission is granted we and our neighbours will have to endure the noise emanating from the proposed extract system for 103 hours each week. Furthermore, we would query the objectivity of the Noise Report which makes clear at section 6 (Survey Results – Background Noise Summary) that *“The background monitoring from Sunday 30th November 2014 has been selected as the representative background period for the assessment.”* Sunday is of course the quietest day of the week when background noise from traffic is likely to be at its lowest.

We would like to draw your attention to sections 7 (Noise Assessment) and 8 (Recommendations) of the Noise Report which state, *“The proposed development layout identifies the fan unit would be installed on the flat roof level adjacent to the residential receiver windows...the current proposed system would predict a noise rating above the existing background noise level and indicate a significant impact on the neighbouring properties.”* In essence the Noise Report acknowledges that the applicant’s current proposals for an extract system would produce noise levels at which planning permission will not be granted and that significant attenuation would have to be applied to try to mitigate the noise pollution.

We have experienced some anti-social behaviour associated with the public houses and restaurants located in Red Lion Street. Our entrance porch has occasionally been used by patrons of the public houses and restaurants in Red Lion Street to urinate in at night. If a change of use of the premises from A1 to A3 is permitted it is inevitable that the noise, ingress of cooking smells and disturbance to which we will be subjected will increase enormously. Patrons of any restaurant who smoke will choose to stand immediately outside the premises or in our entrance porch, especially at night or when the weather is inclement. There would be no respite for us and neighbouring residents from the noise of any restaurant, its patrons and deliveries throughout the day and night.

Change of use

Section 1.1 of the D&A Statement states that *“The proposed site 37 Theobalds Road is part of an informal **shopping** area situated along Theobalds Road (numbers 1-59) with **shops** on the south side at the West End...Most of the **shops** do not operate on the weekend as they mainly serve the local office working community...”* Section 4.2 of the D&A Statement refers to Theobalds Road as being a *“shop”* area. There is a consistent theme here. Change of use of the premises from A1 to A3 use to allow for a restaurant to open for 7 days a week (16 hours each working day and 23 hours each weekend) would disrupt the shopping character of the street. The change of use proposal is detrimental to the character and function of the area.

In Camden Planning Guidance 5 | Town Centres, Retail and Employment the following Key Messages appear for the Central London Area (page 31):

KEY MESSAGES

- *We seek to maintain the mixed use character of the Central London Area, **protect the retail function of shopping streets** and maintain specialist uses.*

- *We seek to prevent concentrations of food drink and entertainment uses that cause harm to the character of the area and the amenity of local residents.*

Furthermore, 'Policy DP10 – Helping and promoting small and independent shops' provides that:

Within Camden's Central London area, there is significant competition between competing land uses. This means that additional protection is needed to prevent the widespread loss of A1 retail uses outside centres, in order to ensure that local shops are available for local residents, workers and visitors. Therefore, the Council will only grant permission for the loss of shops outside centres in Central London where it considers that the replacement use will also contribute positively to the local area (para 10.6).

We very much hope that permission for planning application 2014/6674/P will be refused.

Yours faithfully,

A black rectangular redaction box covering the signature of the sender.

Mr. Dean Fuller and Mrs. Rosalind Fuller

Title Number : NGL848132

This title is dealt with by Land Registry, Croydon Office.

The following extract contains information taken from the register of the above title number. A full copy of the register accompanies this document and you should read that in order to be sure that these brief details are complete.

Neither this extract nor the full copy is an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy.

This extract shows information current on 28 JAN 2015 at 20:38:38 and so does not take account of any application made after that time even if pending in the Land Registry when this extract was issued.

REGISTER EXTRACT

Title Number	: NGL848132
Address of Property	: 37 Theobalds Road, London (WC1X 8SP)
Price Stated	: Not Available
Registered Owner(s)	: THE MAYOR AND BURGESSSES OF THE LONDON BOROUGH OF CAMDEN of Town Hall Judd Street, London WC1H 9LP.
Lendor(s)	: None

Title number NGL848132

This is a copy of the register of the title number set out immediately below, showing the entries in the register on 28 JAN 2015 at 20:38:38. This copy does not take account of any application made after that time even if still pending in the Land Registry when this copy was issued.

This copy is not an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy. If you want to obtain an official copy, the Land Registry web site explains how to do this.

A: Property Register

This register describes the land and estate comprised in the title.

CAMDEN

- 1 (16.05.2005) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being 37 Theobalds Road, London (WC1X 8SP).

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (16.05.2005) PROPRIETOR: THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN of Town Hall Judd Street, London WC1H 9LP.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (16.05.2005) The parts of the land affected thereby are subject to the leases set out in the schedule of leases hereto. The leases grant and reserve easements as therein mentioned.
- 2 (27.09.2013) By a Deed dated 6 December 2013 made between (1) London Borough Of Camden and (2) Sfizio Caffè Limited the terms of the lease dated 20 June 2013 referred to in the schedule of leases hereto were varied.

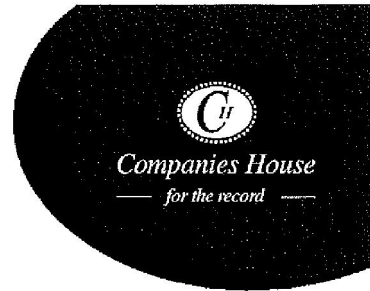
NOTE: Copy Deed filed under NGL937421.

Schedule of notices of leases

- | | | | | |
|-------------------------|------------|---|---|-----------|
| 1 | 29.01.1997 | First, second and third floor flat | 23.12.1996
125 years from
30 March 1992 | NGL746142 |
| 2 | 16.05.2005 | Ground and basement premises | 29.05.2002
12 years from
15.10.2000 | |
| NOTE: No copy supplied. | | | | |
| 3 | 27.09.2013 | 37 Theobalds Road (Ground Floor and Basement) | 20.06.2013
12 years from
1.5.2013 | NGL937421 |

NOTE: See entry in the Charges Register relating to a Deed of variation dated 6 December 2013

End of register



THE DIRECTORS
SFIZIO CAFFE LTD
35 THEOBALDS ROAD
LONDON
WC1X 8SP

If you need to contact us regarding this
notice, please quote reference

DEF6 / 03245112

Date 13/01/2015

COMPANIES ACT 2006
(Section 1000)

The REGISTRAR OF COMPANIES gives NOTICE that, unless cause
is shown to the contrary, at the expiration of 3 months from the above
date the name of

SFIZIO CAFFE LTD

will be struck off the register and the company will be dissolved

Companies House
Cardiff CF14 3UZ
Tel
Fax 029 20 380900
DX 33050 Cardiff

FILE COPY



DH13GOUUZP

NB Upon dissolution all property and rights vested in, or held in trust for, the company are deemed
to be bona vacantia, and accordingly will belong to the crown



AWARDED FOR EXCELLENCE



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