



International House, 36-38 Cornhill, London, EC3V 3NG

Planning Statement

39 Lamb's Conduit Street

Bánh Mì Aha!

November 2023

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- A. Copy of Decision Notice ref: 2016/5068/P approved on 24 June 2017
- B. Copy of enforcement case ref: EN22/0234. Closed with agreement from all parties dated 6 December 2022
- C. Copy of iWantPlans - Kitchen Extraction Specification Odour Control Details - Noise Impact Analysis (DEFRA) Rev 1 approved in ref: 2016/5068/P
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- E. Retail survey of Lamb's Conduit Street - Neighbourhood Centre
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Summary of conclusions

1. Banh Mi Aha! is an existing Vietnamese restaurant on ground and basement level at 39 Lamb's Conduit Street which currently is conditioned to cease trading at 6pm on weekdays and Saturdays and closed on Sundays and public holidays.
2. This is an application to change the wording in condition 7 of planning permission ref: 2016/5068/P, approved on 24 June 2017, for:

Continuation of restaurant use (Class A3) including installation of recirculation kitchen canopy and mechanical fresh air system.

3. The proposed change is regarding opening hours, from:

The use as Class A3 (restaurant) at the ground and basement floors as shown on the approved plans shall not be open to customers outside of the following times: 08:00 hours - 18:00 hours Monday to Fridays, Saturdays 08:00 hours - 18:00 hours and closed on Sundays and on Bank Holidays. No customers shall be on the premises and no sound emanating from these premises shall be audible within any adjoining premises outside of these hours. No customers shall be on the premises and no sound emanating from these premises shall be audible within any adjoining premises outside of these hours.

To:

The use as Class A3 (restaurant) at the ground and basement floors as shown on the approved plans shall not be open to customers outside of the following times: 08:00 hours - 22:30 hours Monday to Saturdays, Sundays and on Bank Holidays 10:00 hours - 20:00 hours. No customers shall be on the premises and no sound emanating from these premises shall be audible within any adjoining premises outside of these hours. No customers shall be on the premises and no sound emanating from these premises shall be audible within any adjoining premises outside of these hours.

4. We identify the planning constraints as follows:
 - Strengthening the evening economy at Lambs Conduit Street Neighbourhood Centre and the London CAZ;
 - Protecting residential neighbours' amenity.
5. The site lends itself to longer opening hours where it is supported by the following:
 - An existing evening economy in the Lambs Conduit Street Neighbourhood Centre, where hospitality traders make up 28% of the units located in the Centre. Many of those traders can close later than the current proposals;
 - Extensive community engagement and feedback into the proposals from key residential neighbours. The proposed closing time has been shortened from 10pm to 9:30pm on weekdays and Saturdays following consultee input;

- Consultees confirm that noise from the plant is no longer an issue, since this was rectified following an enforcement case that was closed on 6 December 2022. Rather, consultees have raised that noise is noticeable from queuing outside during the lunchtime rush;
 - The proposed evening trade does not suffer the same time constraints as lunchtime customers, who are primarily workers on a restricted lunchtime. The evening is more relaxed and captures those workers seeking an early dinner and local residents seeking a later dinner;
 - Existing odour has been greatly reduced by all grilling and frying being conducted off-site, nearby, with food being heated and prepared on site. This would continue. Residents have raised odour as an occasional issue and explained this is most likely due to windows being kept open at the restaurant;
 - The installed fan in the air scrubbing unit has significantly more capacity to move air than that required in the approved system, it is therefore capable of handling the additional air from the extended hours;
 - This application acknowledges that mitigating impacts on residential amenity is essential, and this must be balanced with expectations of amenity in a high street location located in a designated centre;
 - Notwithstanding, the applicant commits to a scheme of management and reporting to provide assurances to residential neighbours that any impacts that may arise can be satisfactorily addressed.
6. The existing establishment is a well run restaurant, combining courtesy with a sense of community. Respectable clientele from surrounding health institutions and businesses and families would continue to enhance the family spirit of Lamb's Conduit Street.
 7. We urge the LPA to positively consider this application, since it supports a small start-up business and small and medium sized enterprise (SME) seeking to be successful in the wake of the Covid-19 pandemic which decimated hospitality businesses across London and the rest of the country. The start up has been trading at the site without further complaint since the closing of the enforcement issue for over a year, to demonstrate to neighbours that is capable of protecting their residential amenity, while at the same time serving its customers high quality Vietnamese food in a traditional setting.
 8. There is significant local support for the proposals, as is evidenced in the Statement of Community Involvement that supports the application. We see no reason why the hours extension cannot be comparable to similar operators on the street. It is a matter of business and enhancing the area.
 9. The evidence in the supporting reports concludes that each of these is accordance with guidelines and therefore meets planning policy and material considerations.
 10. The scheme may be granted planning permission

1.0 Introduction

- 1.1 This statement supports an application for a variation of hours at 39 Lambs Conduit Street, London, WC1N 3NG. The application is made on behalf of Bánh Mì Aha!, which is the existing operator at the site. The site is location in LB Camden.

The proposal

- 1.2 The type of application is an amendment under Section 73 to condition 7 to extend the opening hours of application approved on 24 June 2017, ref: 2016/5068/P, for *Continuation of restaurant use (Class A3) including installation of recirculation kitchen canopy and mechanical fresh air*. A copy of the Decision Notice is enclosed in appendix A.
- 1.3 Condition 7 presently reads:

The use as Class A3 (restaurant) at the ground and basement floors as shown on the approved plans shall not be open to customers outside of the following times: 08:00 hours - 18:00 hours Monday to Fridays, Saturdays 08:00 hours - 18:00 hours and closed on Sundays and on Bank Holidays. No customers shall be on the premises and no sound emanating from these premises shall be audible within any adjoining premises outside of these hours. No customers shall be on the premises and no sound emanating from these premises shall be audible within any adjoining premises outside of these hours.

- 1.4 Condition 7 proposal is:

The use as Class A3 (restaurant) at the ground and basement floors as shown on the approved plans shall not be open to customers outside of the following times: 08:00 hours - 22:30 hours Monday to Saturdays, Sundays and on Bank Holidays 10:00 hours - 20:00 hours. No customers shall be on the premises and no sound emanating from these premises shall be audible within any adjoining premises outside of these hours. No customers shall be on the premises and no sound emanating from these premises shall be audible within any adjoining premises outside of these hours.

The application

- 1.3 The application comprises the following documents:
- Site location plan;
 - This planning and community involvement statement;
 - Completed forms certificates and notices;
 - An application fee of £298.

2.0 Site and area description

- 2.1 The address of the site is 39 Lambs Conduit Street, London, WC1N 3NG.
- 2.2 The existing land use is as a café restaurant in use class E. The existing building on the site is a four storey building. the ground and basement serve the restaurant. There is a tables and chairs license for the area in front of the restaurant. The floors above serve two residential dwellings.
- 2.4 The site is located in the designated Lamb's Conduit Street Neighbourhood Centre and in the Central Activities Zone (CAZ). The site is not at risk of flood. It is located within a conservation area. It is not a listed building.
- 2.5 The existing neighbouring land uses at the ground floor are typically commercial. Land uses on upper floors are typically residential. There are a number of restaurants in close proximity that benefit from longer opening hours that help to form a critical mass for evening trade and entertainment.
- 2.6 Existing highway markings show loading and unloading bays in close proximity. The street is managed by a controlled parking zone.

3.0 Legislation and guidance

- 3.1 To the extent that development plan policies are material to an application for planning permission the decisions for applications must be taken in accordance with the development plan, unless there are material considerations that indicate otherwise (section 38(6) of the Planning and Compulsory Purchase Act 2004).

National Planning Policy Framework

- 3.2 The National Planning Policy Framework (NPPF) was updated in July 2021. It sets out the Government's planning policies for England and how these are expected to be applied. The NPPF stresses the importance of having a planning system that is genuinely plan-led (paragraph 15).
- 3.3 On building a strong and competitive economy, paragraph 81 states "Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future."
- 3.4 On ensuring the vitality of town centres, paragraph 86 states "Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation."

4.0 Development plan policy

4.1 The documents that form the development plan for the area are set out below.

London Plan (2021)

4.2 The following London Plan policies we consider relevant and the proposal responds positively to the requirements:

- Policy SD4 The Central Activities Zone (CAZ);
- Policy SD6 Town centres and high streets;
- HC6 Supporting the night-time economy;
- Policy D6 Housing quality and standards;
- Policy D14 Noise.

Camden Local Plan (2017)

4.3 The following policies we consider relevant and the proposal responds positively to the requirements:

- Policy E1 Economic development;
- Policy A1 Managing the impact of development;
- Policy A4 Noise and vibration;
- Policy TC1 Quantity and location of retail development;
- Policy TC2 Camden’s centres and other shopping areas;
- Policy TC5 Small and independent shops.

Supplementary Planning Guidance

Camden Planning Guidance:

- Amenity (January 2021) – especially section 6 on noise and vibration;
- Town Centres and Retail (January 2021) – especially sections on:
 - Food, drink, and entertainment uses (p9);
 - Specialist Retail Areas (p28);
 - Neighbourhood Centres in Central London (p46).

5.0 Relevant planning decisions

5.1 Relevant on-site planning decisions.

Reference	Description	Decision	Date
2016/5068/P	Continuation of restaurant use (Class A3) including installation of recirculation kitchen canopy and mechanical fresh air system.	Grant	24 January 2017

5.2 Relevant off-site planning decisions.

Reference	Description	Decision	Date
2022/5154/PVL 51 Lamb's Conduit Street (Noble Rot)	4 Tables, 8 Chairs and 2 Barriers Monday to Saturday 12:00 - 22:00 New Application	Grant Hours as per description	20 Jan 2023
2022/4354/PVL	2 Tables and 8 Chairs on Lamb's Conduit Street 4 Tables, 16 Chairs, 4 Umbrellas and 3 Heaters on Great Ormond Street Monday-Saturday 11:00-22:30 Sunday 12:00-22:00 New Application	Grant Hours as per description	Not recorded
2018/1970/P 52 Lamb's Conduit Street (La Fromagia)	Change of use of basement and ground floor levels from shop (Class A1) to sui-generis to include retail and restaurant (Class A1/A3). Retrospective	Grant Condition 4: The use hereby permitted shall not be carried out outside the following times 08:00-22:45 Mondays to Saturdays and 08:00-21:00 on Sundays and Bank Holidays	4 Sep 2018
2013/4423/P Lamb's Conduit Street (vacant)	Change of use from retail (Class A1) to restaurant use (Class A3) for a temporary period of two years. (GPDO Prior Approval Class D Commercial 2 year change of use)	Hours not controlled	11 Jul 2013
2005/2231/P 86-90 Lamb's Conduit Street (Ciao Bella)	Variation of condition 3 of planning permission (PL/PS9804240 granted on appeal on 20th October 1999 (T/APP/X5210/A/	Grant Condition 1: The private forecourt at the front of the restaurant premises shall not be used for	7 Nov 2005

	99/1020600/P9) to extend the hours of use of the private forecourt area from 21.00 until 23.00 and increase the number of tables within this area from 3 to 8, all in connection with the existing restaurant (Class A3)	additional seating between the hours of 23:00 and 10.00 hours on the following day. This area shall not contain more than 8 tables as detailed in dwg no CB/C/008 and shall be used in such a manner so as not to cause obstruction to the public highway.	
2022/4354/PVL	2 Tables and 8 Chairs on Lamb's Conduit Street 4 Tables,16 Chairs, 4 Umbrellas and 3 Heaters on Great Ormond Street Monday-Saturday 11:00-22:30 Sunday 12:00-22:00 New Application	Grant Hours as per description	Not recorded

6.0 Other material considerations

- 6.1 There are no other material considerations that would indicate that a decision should not be made on the application in accordance with the material development plan policies.
- 6.2 However, we consider it worthwhile clarifying the situation with regard to the enforcement case ref: EN22/0234, which is material to the case and on which clarity will help to avoid any misunderstanding. This was confirmed resolved on 7 December 2022 (see appendix B) and is relevant to neighbour amenity. It is discussed in further detail in section 7.2 The case may be summarised as follows:
- Historical objections to the current use at the site came about following the approval of application ref: 2016/5068/P as a consequence of incorrect installation of the approved air handling system. It resulted in direct expulsion of noise and fumes into private neighbour amenity space and through upstairs neighbour windows.
 - This disruption to residential amenity been resolved through close liaison with residents and with Camden planning officers, to the agreement of all parties.
- 6.3 The applicant has undertaken significant community engagement in regard to the proposals. This is documented in the Statement of Community Involvement. The key findings may be summarised as follows:
- The Immediate residential neighbours raised concerns relating to noise of customers later into the evening. This has resulted in an adjustment of the proposed opening hours back from 22:00 to 21:30 Monday to Friday and Saturday. It has also allowed the production of a Draft Scheme of Management that sets out clear and specific procedures in place that would provide appropriate assurances, and which may be conditioned, as appropriate;
 - A customer and local business survey has generated significant support for opening beyond 6pm. See community engagement section;
 - The Rugby and Harpur Road Residents Association does not object to the proposals. See community engagement section;
 - The Lamb's Conduit Street Traders Association does not object to the proposals. See community engagement section.

7.0 Key issues and considerations

7.0.1 The key issues in this application are:

- Strengthening the evening economy at Lambs Conduit Street;
- Protecting residential neighbours' amenity.

7.1 Strengthening the evening economy at Lambs Conduit Street

7.1.2 The site is located in the Lamb's Conduit Street Neighbourhood Centre, comprising 28 to 94 even, and 29 to 63 odd, designated in the Camden Local Plan. The site is located in the central activities zone (CAZ) designated in the London Plan.

7.1.3 The site gained approval for a change of use that was subject to the correct installation of air scrubbing and handling units in the basement, ref: 2016/5068/P approved on 24 June 2017. The air handling plant is necessary to avoid negatively impacting the amenity of residential neighbours with, first, an unsightly flue up the rear of the building, in plain view of the residential garden to flat 1, 39 Lamb's Conduit Street located behind the unit, and second, to avoid noise and maintenance disruption impacts. Although this approval allowed the unit to be occupied and trade as a restaurant, the hours were limited to close at 6pm. The current proposal seeks to open for longer hours, to increase earning opportunity and to support the evening economy at Lamb's Conduit Street.

7.1.4 Strengthening the evening economy is encouraged in London Plan policy SD4, *The Central Activities Zone (CAZ)*, which states:

E - The unique concentration and diversity of cultural, arts, entertainment, night-time economy and tourism functions should be promoted and enhanced.

F - The vitality, viability, adaptation and diversification of [...] CAZ retail clusters including locally-oriented retail and related uses should be supported.

K - The quality and character of predominantly residential neighbourhoods, where more local uses predominate, should be conserved and enhanced.

7.1.5 London Plan policy SD6, *Town centres and high streets*, seeks to promote and enhance the vitality and viability of London's various town centres by:

A.1 - encouraging strong, resilient, accessible and inclusive hubs with a diverse range of uses that meet the needs of Londoners, including main town centre uses, night-time economy, civic, community, social and residential uses;

A.5 - ensuring town centres are the primary locations for commercial activity beyond the CAZ and important contributors to the local as well as London-wide economy;

F - The management of vibrant daytime, evening and night-time activities should be promoted to enhance town centre vitality and viability, having regard to the role of individual centres in the night-time economy (see Figure 7.6 and Table A1.1) and supporting the development of cultural uses and activity.

- 7.1.6 London Plan Policy HC6, *Supporting the night-time economy*, that planning decisions should:
- B. 1 - promote the night-time economy, where appropriate, particularly in the Central Activities Zone, strategic areas of night-time activity, and town centres where public transport such as the Night Tube and Night Buses are available;
 - B. 3 - diversify the range of night-time activities, including extending the opening hours of existing daytime facilities such as shops, cafés, libraries, galleries and museums, and;
 - B. 4 - address the cumulative impact of high concentrations of licensed premises on anti-social behaviour, noise pollution, health and wellbeing and other issues for residents and nearby uses, and seek ways to diversify and manage these areas.
- C - Promoting management of the night-time economy through an integrated approach to planning and licensing, out-of-hours servicing and deliveries, safety and security, and environmental and cleansing services should be supported. Boroughs should work closely with stakeholders such as neighbouring boroughs, the police, local businesses, patrons, workers and residents.
- 7.1.7 Camden Local Plan Policy E1 *Economic development* seeks to create the conditions for economic growth and harnessing the benefits for local residents and businesses. It states the council will support businesses of all sizes, in particular start-ups, small and medium-sized enterprises and recognises the importance of other employment generating uses, including retail, education, health, markets, leisure and tourism
- 7.1.8 Camden Local Plan Policy TC1 *Quantity and location of retail development* focusses new shopping and related uses in Camden’s designated existing centres, having regard to the level of capacity available in these locations.
- 7.1.9 Camden Local Plan Policy TC2 *Camden’s centres and other shopping areas* seeks to provide for and maintain, a range of shops including independent shops, services, food, drink and entertainment and other suitable uses to provide variety, vibrancy and choice. It also seeks to make sure that food, drink, entertainment and other town centre uses do not have a harmful impact on residents and the local area. With regard to Neighbourhood Centres, the Council will ensure that development in them does not harm the function, character or success of that centre.
- 7.1.10 Camden Local Plan Policy TC5 *Small and independent shops* states that the Council will promote the provision of small shop premises suitable for small and independent businesses. It also will encourage the occupation of shops by independent businesses and the provision of affordable premises.
- 7.1.11 This proposal responds to these policies where it seeks to increase trading hours of the existing restaurant beyond the existing 6pm curfew. This is to allow the operator the opportunity to explore the potential for successful trading during the evening, and therefore, contributing to the evening economy. Opening hours during Sundays and public holidays is also sought, as this will contribute to the wider economy also. The proposed extensions

would provide a wider offer for local residents and workers to enjoy, than at present when the restaurant is closed.

- 7.1.12 We have undertaken a retail survey to identify restaurants and pubs in the Lambs Conduit Street Neighbourhood Centre. This is enclosed in appendix E. We have identified 13 units out of 46, along with the current trading hours. This represents 28% of units in the centre trading as restaurants, cafes or pubs. Some of these units have later trading hours by virtue of planning permissions, illustrating planning precedent in the area. Others are historic. Below is a summary table of those units that trade as restaurants or pubs, and which have late hours.

7.1.13

Establishment Name	Lamb's Conduit St No.	Closing time	Is a scheme of management evident?
Shrine to the Vine	48	8 pm. Mon-Sat	N
La Fromagerie	52	10.45 pm. Mon-Sat 9 pm Sun	N
Honey & Co	54	10.30 pm. Mon-Sat	N
Ciao Bella	86-90	10.30 pm. Mon-Sun	N
The Lamb	92-94	11 pm. Mo-We & Su 12 am. Thu-Sat	N
Vacant (former restaurant)	57	Uncontrolled	N/A
Noble Rot	51	11 pm. Mon-Sat	N
The Perseverance	63	11 pm. Mon-Sat 8pm. Sun	N

- 7.1.14 Following the Covid-19 pandemic, many food and beverage operators were forced to close. This is evident also on the Lambs Conduit Street Neighbourhood Centre, where the retail survey shows that there are now vacant units that permanently closed but which were cafes and restaurants. The current proposal would help the economic health of the street in its recovery from the effects of the pandemic.
- 7.1.15 The applicant has undertaken a survey of customers attending the shop and local businesses to ask if they support the restaurant opening past 6pm.
- 7.1.16 The survey results are enclosed in the Statement of Community Involvement in appendix E of that report. The results show that there is strong support for the restaurant to open past 6pm.
- 7.1.17 We also approached the Lamb's Conduit Street Traders Association and the Rugby and Harpur Road Residents Association seeking feedback on the proposed application. Both organisations have confirmed they do not object to the principle of the proposed development. These are provided in the Statement of Community Involvement in appendices B and C.
- 7.1.18 We have identified other application on Lam's Conduit Street that were approved for restaurant and café use for later hours that support the evening economy. This confirms there is planning precedent in the immediate area for extending trading hours, subject to protecting residential amenity. These decisions are included in appendix F.

7.1.19 We find the proposal would contribute to the existing evening economy in a manner that accords with London Plan policies SD4, SD6 and HC6 and in accordance with Camden Local Plan policies E1, TC1, TC2 and TC5.

7.2 Protecting residential neighbours' amenity

7.2.1 The existing approval at the site, ref: 2016/5068/P approved on 24 June 2017 was supported by a noise and odour assessment that included an Odour Risk Assessment and Odour Management Plan.

7.2.2 Objections had been received from neighbouring residents relating to the noise and odour during the summer 2022. The cause of the matter was the incorrect installation of the air handling units in the basement that meant the approved Odour Management Plan was not being followed. An enforcement case ref: EN22/0234 notified the restaurant operators of the issue and significant efforts and cost were undertaken to correct the installation.

7.2.3 We met with officers and neighbour representatives on a number of occasions to demonstrate the measures being taken to ensure the correct installation was implemented. Additional measures were suggested and implemented, which included silicone sealing a historic ground floor door between the rear of the restaurant and the residential circulation corridor. Other odour control matters were also explored and delivered, including new restaurant operational protocols of no grilling or frying of food on site, which would then be prepared off-site, so that the only cooking on site was of the aromatic broth for noodle soup pho and heating in ovens of the foods cooked off site. The case was fully signed off with the agreement of the council and residents on 6 December 2022. We enclose the enforcement letter confirming the case is closed in appendix B.

7.2.4 Since remedying the former breach, the restaurant operator has taken great efforts to minimise odour and maintain good neighbour relations. Now that almost a year has passed since the case was closed, the operator demonstrates that they can operate within the terms of the original planning permission, that they have a positively framed open channel with local residents for dialogue, and that they are keenly aware of the sensitivities of immediate neighbours. Against this background, the restaurant operator would like to demonstrate their ongoing competence in protecting neighbour amenity, as far as possible and in accordance with planning guidelines, in the context of this planning application to extend trading hours beyond 6pm.

7.2.5 The London Plan protects residential neighbour amenity in Policy D6 *Housing Quality* and Standards states in part D:

The design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and **maximising the usability of outside amenity space.**

7.2.6 London Plan Policy D14 *Noise* states in part A in order to reduce, manage and mitigate noise to improve health and quality of life, proposals should manage noise by:

1. avoiding significant adverse noise impacts on health and quality of life
3. mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on existing noise-generating uses

- 7.2.7 Camden Local Plan Policy A1 *Managing the impact of development* seeks to protect the amenity of Camden’s residents by ensuring the impact of development is fully considered and would not harm the amenity of neighbouring residents. This includes privacy, outlook, noise, daylight and sunlight, noise and odour impacts. It states that the Council will require all development likely to generate nuisance odours to install appropriate extraction equipment and other mitigation measures. These should be incorporated within the building where possible.
- 7.2.8 Camden Local Plan Policy A4 *Noise and vibration* states that the council will only grant permission for noise generating development, including any plant and machinery, if it can be operated without causing harm to amenity.
- 7.2.9 Camden Local Plan Policy TC2 *Camden’s centres and other shopping areas* seeks to make sure that food, drink, entertainment and other town centre uses do not have a harmful impact on residents and the local area.
- 7.2.10 Camden Local Plan Policy TC4 *Town centre uses* seeks to 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. Applications will consider the impact of the development on nearby residential uses and amenity and any prejudice to future residential development;

Odour Management Plan

- 7.2.11 The current proposal responds to the policies where noise and odour are the principal considerations for protecting residential amenity. The approved use was supported in the application ref: 2016/5068/P by the document ***iWantPlans - Kitchen Extraction Specification Odour Control Details - Noise Impact Analysis (DEFRA) Rev 1*** (“the NIA”). We will revisit how the key elements of noise and odour were addressed, and demonstrate how the current proposals meet the same protections as before, thereby rendering the proposal in accordance with the development plan.
- 7.2.12 The NIA in part 3, titled *Odour Control – Annex B*, sets out information on the types of meals anticipated to be served and the hours of operation. The types of meals has widened to include the fare prepared by the current applicant and is Vietnamese food. The hours of operation are proposed to be changed by the current application. Further information is then set out and we confirm the following is true:
- Types and dimensions of pre-filters - comparable installed as approved;
 - No exhaust ducting proposed;
 - Types and dimensions of carbon filters - comparable installed as approved;
 - Type and dimensions of cooker hood - comparable installed as approved;
 - System operation values – see below;
 - Noise effect at 3 metres - comparable installed as approved;

- Maintenance requirements - comparable installed as approved;
- Fresh air replacement system values - comparable installed as approved.

7.2.13 Relevant to the proposals is the system operation: extract rate expressed as cubic metres per second (m³/s) at the proposed rate of extract. The “Extract rate” on page 7 of the NIA (see Appendix C, Annex B), is required at 0.30 cubic metres per second.

7.2.14 The air handling unit on site now was purchased in July 2022 and installed subsequently with an extract rate of 2.6 cubic metres per second. We enclose the specification for the installed unit in appendix D. The specification confirms the extract rate expressed as cubic feet per minute as 5,600. The relevant calculation to convert the units provides the rate as 2.6 m³/s. This demonstrates that the current unit can move and scrub significantly more air per second than the approved system.

7.2.15 In conclusion on odour control, the current proposal can already accommodate air handling that meets and surpasses the approved requirements.

Odour Risk Assessment

7.2.16 Turning now to the Risk Assessment for Odour contained in Annex 3 of the NIA, we see that this places the approved scheme within an “impact risk” level according to how it scores on a set of criteria. We set out the approved scores below and compare them to how the current and proposed arrangement would score. This changes the restaurant from “low” (Most pubs, Italian, French, pizza or steakhouse) to “high” (Kebab, Vietnamese, Thai or Indian). It retains the number of covers at below 30 on the basis of the limited seating internally (four tables) and remaining a small takeaway.

Description	Dispersion	Proximity	Size of kitchen	Cooking type	Total
Approved	0	10	1	1	12
Proposed	0	10	1	7	18

7.2.18 The total significance score increases from 12 to 18. The score remains below 20 which retains the same impact risk of “low to medium” as the current approval, requiring low level odour control.

7.2.19 The approved recirculation canopy system cleans grease laden air through a five-stage air filtering system and reintroduces it back into the kitchen. The five-stage filter system has a cleaning regime that is conditioned via the NIA from the 2017 application and that is currently being adhered to. We set out the filter cleaning frequency below for information. We confirm the applicant implements the approved cleaning regime.

Stage 1

Longar Type 2 Baffle Filters Cleaned Daily

Stage 2

Pre-filter G4 – 80 to 90% efficiency - To be change every 4 weeks

Stage 3

Bag filter F6 – 60 to 90% efficiency - to be changed every 3 months

Stage 4

HEPA filter F10 – 90 to 95% efficiency - to be changed every 3 to 6 months

Stage 5

Activated carbon filters - to be changed every 3 to 6 months

Fresh Air System

Pre-filter to be installed after the fan to be cleaned every 4 to 6 weeks

- 7.2.20 Further measures on odour control have already been implemented by the applicant. This includes the preparation and cooking of grilled and fried foods off-site. This has been ongoing since the enforcement issue last year that was resolved in December 2022. It is proposed that this will continue under the current arrangement.
- 7.2.21 We have considered whether it might be necessary for the frequency of the cleaning to be increased. However, based on feedback from the applicant on how clean the filters are whenever they are cleaned, we consider it not necessary to increase the frequency of the cleaning beyond the current levels.
- 7.2.22 In conclusion on a risk assessment for odour, the impact risk remains as approved, as “low”, requiring low level odour control.

Existing noise from queues, not plant

- 7.2.23 Neighbour engagement on these proposals has been extensive. Evident in the record is how noise has been an occasional concern for residents since the closing of the enforcement case regarding plant. The identified source of noise is, as we understand it, from customers that queue outside at lunchtime to collect takeaway food, and from customers dining on the four sets of tables and chairs on the pavement. Additional noise concern is identified from open windows where amplified music can be heard, but not from customers.
- 7.2.24 There is a qualitative and quantitative difference in hospitality between the lunchtime trade and the evening trade. The lunchtime trade is characterised by customers comprising local workers and some residents. Lunchtime breaks typically take place during a time constraint, being between approximately 12 midday and 2pm. Workers are obliged to take a break between these times, and this translates into high demand during this period. This high demand typically manifests in customers seeking food to takeaway. There is space inside for approximately 10 people to queue. If there are more than this the queue can go into the street.
- 7.2.25 In contrast, the evening trade is characterised by a longer dining period, where customers would buy food over a longer period since there is no pressure to return to work after eating. The emphasis is on dining on site. The applicant operates another outlet of Banh Mi Aha! in St Johns Street, in neighbouring LB Islington, where this pattern is evident and from which we can draw a direct parallel. The evening trade primarily captures workers seeking an early dinner, and residents seeking a later dinner. Demand during this part of the day is anticipated to comprise mainly of people seeking dining, rather than takeaway. It is spread out of a longer period and the small queues seen at lunch time are not expected to occur.
- 7.2.26 Notwithstanding, this proposal responds to this matter by presenting a draft “scheme of management” that the applicant supports and which residential neighbours support in principle.

Comparison to Red Lion Street

7.2.27 Neighbour engagement has also raised concerns about the current proposals leading to an uncontrolled situation comparable to that at Red Lion Street. These concerns specifically relate to litter on the street, and noisy customers.

7.2.28 We have surveyed the commercial units on Red Lion Street to establish whether any scheme of management is evident and the hours of operation in place. We confirm these in the table below.

Establishment Name	Red Lion St No.	Closing time	Is a scheme of management evident?
Canton Element	48	11 pm. Mon-Sat 10.30 pm Sun	N
Eat Tokyo	50	11 pm. Mon-Sat 9.30 pm Sun	N
Zipbab	51	10 pm. Mon-Sat	N
Becks Cafe	28	10 pm. Mon-Fri 3pm Sat-Sun	N
Restaurant HE	27	10 pm. Mon-Sat	N
Shujie Hotpot	25-26	11 pm. Mon-Sat 10 pm. Sun	Y – signage at entrance addressing customer noise levels when outside.
1+1 Rougamo	58-59	9 pm. Mon-Sun	N
Mr Wong	65	9.30 pm. Mon-Sun	N
KwaFood	65 (FF)	10 pm. Mon-Sun	N
Sawadika Thai	71	11 pm. Mon-Sat	N

7.2.29 In summary, the planning record shows that there is nothing formal in place akin to a scheme of management at any of these locations. One location has signage at the entrance addressing customer noise levels when outside. We also note that the units stay open considerably later during the week and at weekends than those hours being proposed in the current application, almost all of them closing after 10pm.

7.2.30 Importantly, we note that Red Lion Street is not a designated centre, Neighbourhood or otherwise. This is relevant, because where a level of commercial activity is to be expected in a designated commercial centre as, for example at Lamb’s Conduit Street, at Red Lion Street, residential neighbours should have more of a right to increased levels of residential amenity where this is not a centre.

7.2.31 The current proposals include a Draft Scheme of Management. This allows a form of control not available in the examples noted on Lamb’s Conduit Street and at Red Lion Street. This has been created in dialogue with neighbour representatives. Similar schemes appear to be absent from almost all of the properties in question on Red Lion Street. We consider that since the Draft Scheme of Management has “buy-in” from the applicant and from neighbour representatives, this would provide an effective platform from which to manage potential issues.

Draft Scheme of Management

7.2.32 A Draft Scheme of Management that has been discussed with residents is presented below. It is duplicated in the Statement of Community Involvement in appendix F, for ease of referencing, should officers consider it appropriate to condition it for compliance.

7.2.33 DRAFT SCHEME OF MANAGEMENT FOR EXTENDED TRADING HOURS

- Windows and doors kept closed after 6pm and at weekends;
- No music played in the evening;
- Clearing up of all litter outside straight away. Checking litter elsewhere in street to ensure it is not coming from the restaurant;
- With regard to customers waiting for takeaway, customers are invited to wait inside for their food to manage noise being generated outside. If customers would like to wait outside, it is requested that they respect neighbours and keep noise down. Suitable signage can be erected to clarify expectations;
- With regard to customers eating and drinking outside on the tables and chairs, these are permitted by the Camden Licensing Department. They have stringent controls on time that tables and chairs can be used externally and we encourage no duplication of restrictions, confirming that the licensing in place at present is a sufficient way to control this;
- If the outside activity and noise are worse than expected, members of staff will seek to address this directly and bring peoples attention to the fact that there are residential neighbours nearby. If noise persists, then those customers will be asked to leave;
- If you have a complaint, please send this to info@banhmiaha.co.uk. The management commits to responding directly to complaints within 24 hours and to seek resolution;

8.0 Conclusions

- 8.1 This statement demonstrates that the proposal is in accordance with the material policies in the development plan and other material considerations.
- 8.2 The benefits of the scheme are that:
 - It makes an important contribution to the evening economy in the Lamb's Conduit Street Neighbourhood Centre and London CAZ;
 - Has undertaken significant consultation with local residential neighbours and stakeholders;
 - Can mitigate the effect of impacts on residential amenity to a considerable extent.
- 8.3 Since the application has been found in accordance with the Local Plan and material considerations and has strong policy support, we encourage the local planning authority to approve the proposals without delay