

## Representations

### 1. Summary

- The Applicant currently operates a Restaurant and takeaway in Lamb's Conduit Street, WC1N 3NG which opens from 08.00 – 18.00 Mondays to Saturdays only. It has applied for permission to extend opening hours to 08.00 to 22.30 (although they told us 21.30) Mondays to Saturdays and 10.00 to 20.00 on Sundays and Bank Holidays.
- The Respondents live in a flat directly above the restaurant /takeaway and will be significantly affected if the application is granted.
- My principal objections are to the takeaway aspect of the business and opening on Sundays, on the grounds of:
  - 1) Noise, 2) Impact on our Privacy as neighbours, 3) Cooking odours, 4) Impact on Resident's amenity.
- **We are therefore requesting:**
  - 1) **Opening hours to be 08.00-20.30 Monday to Saturday**
  - 2) **Opening hours to be 10.00- 20.00 on Bank Holidays**
  - 3) **No opening on Sundays**
  - 4) **No over-the-counter takeaway after 18.00**
  - 5) **Conditions to reduce noise and manage customers as set out in the draft Scheme of Management in the Appendix below.**

### 2. Background

39 Lamb's Conduit Street is one of the smaller buildings in a terrace of small nineteenth century houses. It has 4 stories and basement. The ground floor and basement are currently occupied by the Applicant's Vietnamese street-food restaurant and takeaway. Above are two residential flats. The house abuts directly onto the pavement. The doors to the restaurant and the flats are side-by-side. I own and occupy the second and third storey flat along with my son. Behind the building is a courtyard garden owned by me. The back window of the restaurant opens directly onto my garden. See photos 1 – 4 in the Appendix (ours is the red door on the right).

I and the other flat owner are joint freeholders of the whole building. The ground floor and basement are held under a 999-year lease and sub-let to Mr To, the Applicant. Full planning permission to open a café selling coffee and light meals was granted on 24 January 2017. Subsequently, the premises were taken over by the Applicant who opened the Vietnamese restaurant and takeaway in March 2022.

**Note:** when the Applicant opened his restaurant, he was in breach of planning permission by not installing the specified closed air circulation equipment. This resulted in strong and unpleasant cooking smells including barbecuing being vented directly into my garden and permeating the rest of the building. The Council had to take enforcement action to ensure that the restaurant complied.

3. **The Premises** are about 8m x 3m. The food preparation area and counter of the ground floor occupies an estimated half to two-thirds of the space. The space for customers is therefore about 3.5m x 3m with 4 small 2 person tables and some counter seats. Outside are 4 more 2 person tables. Being so small, the restaurant has a lot of takeaway business.

4. **Operation:** The restaurant opens from 08.00 to 18.00 Monday to Saturday only. Its busiest time is at lunchtime. We believe that the takeaway service is greater than the eat-in service. Despite request, the Applicant has not provided any figures to show otherwise, either directly to us or in the Planning Statement. The Applicant has said that there is room for 10 takeaway customers to stand inside waiting to be served.
5. As the premises are so small queues extend outside through the open door and at times take up most of the pavement outside. We have counted as many as ten outside and there may be more at the busiest times. The pavement is roughly 2m deep excluding the space taken by the outside tables and the bike racks. See Photographs 1-3.
6. Given the speed of takeaway service compared to eat-in, it is clear there are more takeaway customers than eat-in. The restaurant also provides food delivery service using several courier services such as Deliveroo, Uber Eats and Just Eat. It has recently installed screens above the serving stations at the counter to show the menu like other takeaways. It should therefore be regarded more as a takeaway than restaurant.
7. The restaurant plays music inside which can be heard outside and in the garden and in the flats above when the windows are open.
8. **Noise:** Our primary concern about extension of opening hours is noise from:
  - Customers seated outside.
  - Customers queuing outside.
  - Customers who have bought takeaway food and stand outside to eat it not having found a table.
  - The inside of the restaurant through the door which is open to allow queueing and through the window at the back.
  - Delivery couriers.
  - Music.
9. **Where the noise will be heard:**
  - In our sitting room and front bedroom with windows directly above the front of the restaurant.
  - In the garden
  - In the back bedroom which has windows directly above the back window of the restaurant
10. **Time of the noise**
  - Currently the noise is during the working day and Saturdays. I am retired and my son works from home several days a week and in the evenings. Therefore, the noise is currently already an issue during the day and on Saturdays both in the flat and in the garden.
  - However, the noise issue will be much greater if the restaurant is open during the evening and on Bank Holidays and Sundays when we have most of our leisure hours; the garden will become unusable.
11. **The noise will be exacerbated** because:
  - Currently, many customers who buy takeaways are local workers who take their food back to their workplaces to eat. If customers buy takeaways outside

work hours, they are more likely to linger outside to eat. The food is 'street food' and therefore designed to be eaten in the street.

- The outside tables are not licensed for the evening.
- If the restaurant is open in the evenings, Sundays and Bank Holidays, it is quite likely that customers will bring alcohol to drink with their takeaway food.
- It is likely that people from the local pubs will buy a takeaway after having a few drinks.
- Consequently, there are likely to be more people queueing and standing eating outside and they are more likely to have consumed alcohol in the evenings and weekends. They will therefore be noisier. People who buy takeaways in the evening are not usually as considerate as office workers and passers-by buying lunch.

#### **12. Impact on privacy of neighbours/ Obstruction**

- Customers waiting and/or eating outside will be directly under our windows and outside our front door, up to a late hour and after dark. We currently get people standing outside our front door who have to be asked to move (see Photographs 1-3). I would not be happy approaching my front door after dark in these circumstances.
- The back window of the cafe looks out onto our garden and is often open. At present, our privacy and enjoyment of the garden is diminished during the day, but under this proposal it will be constant 7 days a week until 9.30pm. This is a major interference with our privacy.
- Delivery couriers ring our doorbell by mistake and we have to answer the door which will be even more annoying in the evening. The couriers and their bikes also obstruct our front door.

#### **13. Other nuisances**

- **Littering:** This is a consequence of takeaway food and is more likely from evening and weekend customers than week-day customers.
- **Sundays:** On Sundays, Lamb's Conduit Street is a quiet place. All the shops and businesses are closed. Local offices are closed and the street is quiet. Of the 4 restaurants, 2 are closed on Sundays and 1 closes at 4pm. The 2 cafes open until 5pm or 5.30. This is an attractive feature of what is still a residential area. That will be quite spoilt by the activity described above.
- **Odours:** While the strong cooking odours permeate the building and garden less than at first, there are still significant odours in the flats and garden which we do not want to have in the evenings and on Sundays as well.

#### **14. Comparison with other restaurants, cafes etc.**

- There are no other takeaways in Lamb's Conduit Street.
- All four of the restaurants are much larger in size and the majority of customers are seated inside with a number seated outside. 2 are closed on Sundays and one closes at 4pm.
- The 2 cafes close at 5.30 or 5pm.
- There are no queues or customers hanging around outside.
- In nearby Red Lion Street there are numerous takeaway restaurants which are known for litter, noise and commotion. They are not compatible with the quality and character of Lamb's Conduit Street

### **15. Possible management controls**

The Applicant has expressed willingness to apply management controls. We do not accept the draft Scheme attached to the Application because it is vague and unenforceable. However, since registering their Application, the Applicant has agreed an amended draft Scheme and if this is submitted as a proposed condition instead of the original draft, we would support it as going some way to ameliorating the problems arising from extending the opening hours (with one small addition we request below). The draft Scheme we accept is in the Appendix hereto.

However, we believe:

- Management control will have limited effect on behaviour outside the restaurant as customers are not obliged to obey requests by the restaurant's staff when outside.
- Controls will generally need to be in the discretion of management, so it would be difficult for us to prove lack of compliance with planning conditions such as to enable us to enforce.
- Therefore, controls should not be used as justification for longer opening hours than are reasonable in the light of the considerations set out above.

### **16. Comments on Applicant's Planning Statement**

#### **Community Engagement**

- It is not true to say the Application has 'considerable support'.
- It is not surprising that existing customers of the shop would support it, especially as the majority are not street residents. Local businesses are also likely to support lower trading restrictions.
- Presumably, the majority of the members of the Rugby Street and Harpur Street Residents Association are not residents of Lamb's Conduit Street. The Association has not in any case supported the Application.

#### **Engagement with Neighbours**

- We are not only neighbours. We are the freeholders and live in the same building.
- Despite the closing of the breach of planning permission because of installation of the required circulation equipment, we have never said that either the noise or odours had ceased. They are better but still there as we mentioned in the correspondence appended to the Application.

#### **Key Issues: strengthening the evening economy**

- The Applicant states that 28% of the commercial units are hospitality but does **not** state the percentage of residential homes in the street. Since most buildings have 3 storeys above ground which are mainly residential flats, it is likely there is a far higher percentage of residential than commercial occupation in Lamb's Conduit Street.
- Comparison with other hospitality units needs to take account of the fact that *Banh Mi Aha!* is predominantly a takeaway. The Applicant is disingenuous about this. He has not provided any figures for his dine-in versus takeaway sales. There is room for only 8 persons seated at tables plus some counter seats for dine-in customers. He states there is room for 10 takeaway

customers inside and we have often seen at least 10 queuing outside. This speaks for itself.

- This unit is very much smaller than all the other restaurants, which seat all their customers, the great majority inside. Of the 4 restaurants, 2 do not open on Sundays and one closes at 4pm. Of the 2 pubs, one does not serve food on Sundays and one finishes service at 8pm.
- There are also errors in the description of the other restaurants e.g. Shrine to the Vine is in fact a wine shop. There are two cafes which close at 5 or 5.30pm.
- Lamb's Conduit Street is not a typical town centre or High Street. It is historically part of a larger residential area. It historically provided local shops and has now become a tourist attraction in a very small way, because of its very distinctive historic quality and character characterised by 18<sup>th</sup> and early 19<sup>th</sup> century houses, its famous past residents, small, smart shops and high-end restaurants with a carefully maintained traditional appearance. A takeaway is not appropriate to the quality and character of Lamb's Conduit Street and would detract from its attractiveness to tourists and other users of 'the evening economy'.
- London Plan Policy SD4 K states that "The quality and character of predominantly residential neighbourhoods should be conserved and enhanced".

**Key Issues: Protecting local residents' amenity.**

- Noise and odour which might be tolerated during a weekday cannot be assumed acceptable after 18.00 and on Sundays. Camden should take into account the nature of the building and the proximity of the immediate neighbours and the fact that residents have a right not to be disturbed in the evenings and on Sundays.
- While the Draft Scheme of Management is helpful, we do not agree that it will resolve all our issues as stated above. Red Lion Street is notorious locally for takeaways making unpleasant noise, litter and disruption until late evening. We unfortunately do not accept that a scheme of management would allay these concerns significantly given the lack of control of proprietors over takeaway customers on the street.

**Conclusion**

- We therefore disagree that the Application has been found in accordance with the Local Plan and material considerations as it does not sufficiently protect Residents' amenities and the quality and character of a predominantly residential neighbourhood.
- It does not have support of local residential neighbours most closely concerned.
- Any support shown is from the Applicant's own customers and other traders and a residents' association from a different street.

**17. Therefore, we would urge the Planning Department to:**

- Permit evening opening until 20.30 only
- Permit Bank Holiday opening from 10.00-20.00
- Refuse permission for Sunday opening

- Require as a condition that over-the-counter takeaway service ceases at 18.00
- Require as conditions to any permission, the management controls set out in the draft Scheme of Management in the Appendix (which is the one proposed to us by the Applicant with the sole addition in paragraph 2 of the words “Music to be played quietly when rear window is open.”

### **Appendix** DRAFT SCHEME OF MANAGEMENT

Contact details are info@banhmiaha.co.uk or WhatsApp on 020 3835 9999. The management commits to responding directly to issues raised by neighbours immediately with regard to activity currently ongoing at the restaurant and otherwise as soon as possible and within 24 hours to seek resolution.

Management agrees to hold regular meetings with neighbours at their request and at least on a 3 monthly basis.

Written procedures will be provided by Management to staff specifying in detail the actions to be taken by designated staff to achieve the following:

1. Rear window to be kept closed after 6pm and on Sundays and on Bank Holidays;
2. **Music to be played quietly when rear window is open.** No music played all day Sunday and Bank Holidays;
3. Monitoring and clearing up of all litter outside restaurant straight away. Checking litter elsewhere in street regularly to ensure it is not coming from the restaurant. Taking measures to deter littering by customers such as providing sufficient litter bins and adequate signage;
4. Ensuring customers waiting for takeaway are requested to wait inside for their food to minimise noise being generated outside. Customers should be requested not to wait outside. If they insist on doing so they should be requested to respect neighbours and keep noise down. Suitable signage erected to clarify expectations. Outside tables and chairs to be stacked on expiry of permitted hours to deter customers from using them.;
5. Customers seeking to eat food directly outside the restaurant other than at permitted tables and at permitted hours to be asked by staff to move on. Adequate signage to be provided.
6. If the activity and noise outside the restaurant noticeably exceeds specified neighbour comfort levels, then members of staff will address this directly. Customers will be advised that there are residential neighbours nearby and to minimise noise. If noise persists, then those customers will be asked by staff to leave. Appropriate signage will also be used.
7. Any anti-social behaviour will be dealt with by staff under existing relevant channels i.e. police community support officers, etc., in circumstances where staff should refrain from direct involvement in such cases to protect their safety. In case of an emergency staff will call 999. In the case of non-emergency staff will call 101 or use the textphone service on 18001 101;
8. Consumption of alcohol on the premises or at outside tables brought by customers is not permitted. Adequate signage will be used and if customers

are seen drinking alcohol they should be requested to cease or leave the premises.

**Photographs**

