

The Shisha bar is inappropriate in a highly residential area. The bar is generating noise and air pollution due to the large numbers of people who gather outside the bar and smoke Shisha. The users of the bar always sit outside and not inside, and predominantly drive in, so there has been a noticeable influx of vehicles using up residents parking spaces in the evenings and weekends since the bar opened. Loud music is often played outside the bar which is also disruptive and affects the quality of life for those living in close proximity to the bar and beyond. The smell from the Shisha starts early in the day as it is prepared outside on the already established 'decking'. This is affecting quality of life and the enjoyment of use of our own back garden. The bar does not close until about 12.30am early hours of every morning, and on closing, the external large temporary canopies are folded down between 12.45 -1am, which also causes noise and disruption. I object to both the existing and proposed planning applications and not only do I think the Bar is inappropriate in a highly residential area, the Bar does not have toilet facilities on the premises, and so it is unable to provide the necessary facilities for its large number of users.

From: Planning
Sent: 01 May 2014 14:15
To: Planning
Subject: Comments on 2014/2409/P - Case Officer Olivier Nelson - Received from Calyn Gardner at 41 Achilles Road, London NW6 1DZ

I object to the application because the shisha place is specifically detrimental to the locality as follows:

1. Increased congestion, illegal parking and traffic issues directly resulting from the establishment (as succinctly described by other objectors). Within the planning statement, traffic and safety aspects have not been addressed or acknowledged, and real issues have been trivialised within direct response to concerns raised (12.8 / 12.9).

2. Local demand - Applicant has not provided any proof of "local demand" for the establishment. This is shown by the absence of ANY local resident (within a 0.5-1 mile radius) supporting the application and the increased parking issues demonstrate that most of the customers are actually not local and need to drive here (contrary to 13.3 and 15.4). You have received numerous local residents' objecting to the establishment (over 25 at my last count), thereby demonstrating that there is NO local demand for it. There are already two other establishments less than 1/3 mile away offering shisha on the main high street (West End Lane) to serve "local demand", if any.

Comments made by Calyn Gardner of 41 Achilles Road, London NW6 1DZ Phone

Comment Type is Object and Notify of Committee Date

From: Richard Milestone <[REDACTED]>
Sent: 25 April 2014 17:30
To: Nelson, Olivier
Subject: Application number 2014/2409/P- 56-58 Fortune Green Road

Follow Up Flag: Follow up
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Dear Mr Nelson

I would like to strongly object to the planning application for 56-58 Fortune Green Road for the following reasons:

1. **Inappropriate use in a residential neighbourhood:** with 40 outdoor seats (compared to just 24 seats indoors) contrary to the applicant's representations (paragraph 1.7) that shisha smoking is "incidental" to the broader café usage, the premises are being used primarily as an outdoor café/shisha bar and late into the night. Other cafes and restaurants along Fortune Green Road either have no outdoor seating at all or just one or two tables which is more in-keeping with the peaceful residential neighbourhood. Pumpkin Café has a decking area but is closed in the evening and does not, therefore, cause a disturbance.

Monte Cristo's decked area has been very busy in the evenings since opening in February- the statement that "all external use falls off during winter and chilly evenings" (paragraph 4.2) is simply false. This has been achieved by erecting a tent/canopy, heaters (presumably also without consent) and blankets. The primary intention is for shisha smoking or patrons would choose to sit inside.

2. **Hours of operation:** the proposed hours (paragraph 11.32) are excessive given the residential neighbourhood and are not in line with other businesses along the parade. I am concerned that if restricted hours are put in place that these will not be complied with given that Camden Council Enforcement Team requested that the outdoor area was not used after 9pm until this application was made and this has been totally disregarded demonstrating that the applicant is unwilling to comply with planning conditions.
3. **Impact on traffic and parking** has been severe. The application states that there is no evidence that parking is from patrons of the premises rather than the gym or Tesco. However, congestion in the evening has only commenced since Monte Cristo opened and is in the area **directly outside the café**. Cars park on both sides of the road, on yellow lines on the corner of Burrard Road and Achilles Road even meaning vehicles cannot get round the bend by the café without driving (at least partially) on the other side of the road which is particularly dangerous for buses. The parked cars also prevent traffic from flowing in both directions causing traffic jams whilst cars going north have to wait for cars going south to pass and vice versa. David's Deli and Rouge Lounge on West End Lane have not had the same negative impact on traffic because it is physically impossible to park outside them.

The application states that the premises are no more likely to attract or generate more car activity than an A1 convenience store (paragraph 12.9). This is incorrect because there are far more people in the café at any given time than there ever were when the premises were used as a shop. Further, since alcohol isn't served on the premises and there are no parking restrictions in the evening, there is nothing to discourage patrons from driving there.

Parking availability in neighbouring roads- already scarce- has also been adversely impacted. I believe that Camden policy gives priority to residents over patrons of local amenities when planning parking policy and this should be considered as a further reason to reject the application.

4. **Effect on character of Fortune Green Road:** I strongly disagree that the premises are an "attractive re-use solution of the property" (paragraph 9.13) and look superior to adjacent properties (paragraph 11.12). The signage is poor quality (paragraph 10.15) and refers to the wrong location. The premises are vastly out of proportion with other businesses along the parade particularly when taking the decked area and tent/canopy (which is erected for most of the day) into account. I do not know whether the tent/canopy technically satisfies the requirement for at least 50% of sides to be open but it is visible from a long distance and has a negative impact on the character of the Victorian terrace.

I disagree that there is "little difference in external character" between West End Lane and Fortune Green Road (paragraph 6.9) when comparing this application with David's Deli and Rouge Lounge. West End Lane is a much busier road where outdoor seating has a more limited impact and there are already a number of other premises with substantial outdoor seating areas (e.g. Black Lion, Pizza Express). Residents choosing to live along and off West End Lane have an expectation that there will be a greater degree of noise in the evening than residents living along and off Fortune Green Road where previously no such premises have existed. The other shisha bars in the borough listed in paragraph 6.5 can also be distinguished from Monte Cristo because they are in Camden Town, an established area for late-night bars and restaurants. The shisha café on Church Street NW8 is cited as being in a residential area (paragraph 7.2) but, again, this is already an established noisy commercial street with an operational street market. Fattoush Express (paragraph 7.8) and Sara Café (paragraph 7.9) are located on Edgware Road and the corner of Gloucester Place which are busy main roads and clearly not comparable sites.

The applicant states that this proposal is preferable to a pub with A5 use class (paragraph 8.3). Previous permitted use is not for a pub so this point is of no relevance. Similarly, the statement that the Council should oppose any **reduction** in the provision of leisure facilities (paragraph 10.10) is irrelevant because the current use as a café does not have planning consent so rejecting the application would not result in a reduction.

5. **Footpaths** have been negatively impacted because refuse is regularly dumped in black bags directly outside the premises making it difficult for pedestrians to pass.
6. **Disposal of refuse/customer litter:** as noted above, rubbish is regularly dumped on the pavement outside the premises.
7. **Noise:** the café has had a negative impact on noise for local residents. When the premises were used as a convenience store, whilst open late, by its nature, there was little noise impact during unsociable hours. The previous use as a moped shop had no impact during unsociable hours because it was shut. The sheer number of patrons sitting outside has caused a substantial negative impact on local residents however quiet staff might ask patrons to be.

I note that an application (2012/4974) for the erection of 3 air conditioning units at the site was submitted in 2012 and was refused on grounds of noise and disturbance to neighbours. With this in mind, I cannot see how the proposed use could be acceptable.

8. **Fumes:** walking down Ajax Road, it is often possible to smell shisha smoke in the middle of the day which has travelled across the green- where children play. This is to the detriment of the health of local residents (especially children and the elderly) who use the green for leisure. The application suggests that not everyone sitting on the terrace smokes shisha. I do not see the relevance of this- if a table of four has one shisha pipe, whether two or four people sitting around that table are smoking the pipe, it will have much the same impact on the locale.
9. **Danger:** the coals used to heat the shisha pipes are prepared on an open barbecue located outside the covered area which is open to the pavement on the corner of Burrard Road and out of the line of sight of staff. This poses a severe danger to passers-by, particularly children who might be tempted to play with it.

Other comments:

- The applicant provides extensive detail about the need and demand for the provision of shisha smoking in the area (paragraphs 8.2 and 8.4). These comments are unsubstantiated and incorrect because the two shisha cafes on West End Lane a few hundred metres away satisfy what demand might exist.
- The applicant seeks to justify his own breaches by pointing out potential breaches of other premises (paragraphs 1.13 and 2.4). This is of no relevance to the application.
- There are currently no bicycle spaces in the café but the application provides for two spaces (paragraphs 10.12 and 11.37) which seems to be no more than an attempt to satisfy a transport policy. These two spaces will have negligible impact on transport for the 6 members of staff and 64 patrons who may be on the premises at any given time.
- The applicant has taken a combative approach with local residents. Instead of seeking to allay concerns (for example, by adhering to the requested 9pm closing time in the interim, disposing of rubbish correctly and encouraging its patrons to park more considerately/legally), it has taken the approach of disregarding these objections in its application- one on the grounds the objector was encouraged to contact the council by a newsletter ("only motivated by campaigning") and others by simply stating that they are not backed up by evidence. At the same time, the applicant regularly cites its own unsubstantiated statistics like 75% of

customers "appear[ing] to come from or live within the immediate area, within one mile or so of the application property" which is both unsubstantiated and meaningless- either patrons come from the immediate area (i.e. the surrounding roads), or from within one mile or further afield.

I hope that for the large number of reasons set out above that you will decide that the proposed use is completely unsuitable to the premises and the neighbourhood and will reject the application.

Best regards

Richard Milestone
44 Agamemnon Road, London NW6 1EN

[REDACTED]

From: Richard Bush <[REDACTED]>
Sent: 27 April 2014 18:25
To: Nelson, Olivier
Subject: Fwd: Planning Application 2014/2409/P

Follow Up Flag: Follow up
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Re Monte Christo Shisha Bar Fortune Green Road NW6

Dear Sirs,

I have been unable to send my objection to the above planning application via the Camden Gov website. I hope it is not too late and would like to express my following concerns:

I wish to raise the point that firstly, why is this business trading until a planning decision has been made?

This enterprise is not suitable to a residential area - there have already been several incidents. It is highly likely that customers will overspill and obstruct the pavement outside the premises, especially during summer months.

It is already drawing further traffic to a very congested parking area, in a similar way to the gym and the Tesco supermarket nearby.

Smoking bans apply to public houses why should Shisha bars be exempt.

Yours sincerely,

Richard Bush

[REDACTED]

From: Lynda Bush [REDACTED]
Sent: 27 April 2014 16:28
To: Nelson, Olivier
Subject: Planning Application 2014/2409/P

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

I have tried to send my objection to the above planning application via the Camden Gov website but it does not appear to be on there now. I hope it is not too late but here are my objections:

The first objection is that as it is illegal I assume it has not passed Health, Safety or Hygiene standards so I cannot imagine why it is even allowed to stay open until planning permission has been given. If the decision is against them it would no doubt lead to appeals and could drag on for some time whilst neighbours and locals have to put up with it regardless. I am not sure that it isn't a fire hazard, particularly worrying to people living above.

It seems contradictory to current thinking on health issues and indeed a retrograde step to allow the proliferation of shish bars when smoking is banned almost everywhere else.

Also the site is inappropriate in this residential family area. I am sure it is not being used by locals. It is open and crowded late at night. It is untidy and makes the area begin to look scruffy with plastic sheets flapping about.

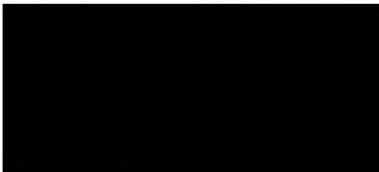
I have also already heard reports of disturbances caused by parking problems. Locals are unlikely to drive there.

And all this before permission is even granted. I do fear that if it is allowed to go ahead as a Shisha Cafe liberties will be taken with opening hours etc.

Yours sincerely

Lynda Bush
Achilles Road.

From: Nelson, Olivier
Sent: 07 May 2014 11:33
To: Planning
Subject: FW: 56 Fortune Green Road application 2014/2409/P



Telephone: 5142

From: Ian Braidman [mailto: [redacted]]
Sent: 07 May 2014 10:37
To: Nelson, Olivier
Subject: 56 Fortune Green Road application 2014/2409/P

Dear Sir

Further to our conversation today my objection to the application is that the premises are mainly used late at night and in the early hours of the morning for the purposes shisha smoking and are frequented by customers with large noisy motor vehicles causing disturbance to neighbouring premises.

Yours faithfully

Ian Braidman

60a Fortune Green Road