

[REDACTED]

From: Heather, Christopher
Sent: 28 March 2014 12:58
To: Planning
Subject: FW: Application 2013/7370/P - 51-53 Fairfax Road, NW6 4EL
Attachments: Deli seating.jpg

Categories: Orange Category

Hi,

Can this be registered as an objection please.

Regards,

Christopher Heather
Senior Planning Officer

Telephone: 020 7974 1344

From: Varsha Edels [mailto:[REDACTED]]
Sent: 26 March 2014 17:32
To: Heather, Christopher
Subject: FW: Application 2013/7370/P - 51-53 Fairfax Road, NW6 4EL

Dear Mr Heather,

Further to my email below I should have added that I live directly above the restaurant and the last 2 summers haven't been able to open my window because of the noise and late night drinking. Also I would like to draw to your attention that the police had been called on a number of occasions to deal with rowdy drinkers.

Kind regards,

Varsha
8 Gladstone court
NW6 4EP

From: [REDACTED]
To: [REDACTED]
Subject: FW: Application 2013/7370/P - 51-53 Fairfax Road, NW6 4EL
Date: Wed, 26 Mar 2014 09:33:36 +0000

Further to my email below....I omitted my address which is 8 Gladstone Court, 49 Fairfax Road, London NW6 4EP

Varsha Edels

From: [REDACTED]
To: [REDACTED]
Subject: Application 2013/7370/P - 51-53 Fairfax Road, NW6 4EL
Date: Wed, 26 Mar 2014 09:31:38 +0000

Dear Mr Heather,

I understand you will shortly be making a decision on the above application for change of use from A1 to A3.

I would like to register my strong objection to this application on the grounds previously stated and also bring to your attention that currently the deli has outside tables spilling into the pavement way beyond the allowable limit - please see attached photo taken at 1.30pm on 16th March 2014. The owner obviously has no regard to the regulations and would be grateful if you could bear this in mind in making your decision.

Kind regards,

Varsha

From: Heather, Christopher
Sent: 31 March 2014 12:28
To: Planning
Subject: FW: OBJECTION to Application 2013/7370/P 51-53 Fairfax Road, London NW6 3EL

Categories: Orange Category

Please can this be registered as an objection.

Christopher Heather
Senior Planning Officer

Telephone: 020 7974 1344

From: Liz Fenner [mailto:]
Sent: 27 March 2014 19:34
To: Heather, Christopher
Cc: Rea, Flick (Councillor); Vincent, Sue (Councillor); Andrew Marshall; Roger Freeman; Don Williams
Subject: OBJECTION to Application 2013/7370/P 51-53 Fairfax Road, London NW6 3EL

Dear Chris Heather

I understand that you will shortly be taking a decision on the matter of the Appeal for Change of Use of premises 51 and 53 Fairfax Road.

I have written extensively on numerous occasions with my objections to these proposals and have felt, to some extent, vindicated by the Refusals. To date all Applications and Appeals have been REFUSED on the exceedingly reasonable grounds that it would be detrimental to the enjoyment by the neighbours of their homes. "Allowing the proposed restaurant would result in an increase in late night activity, noise and disturbance to the detriment of the amenity of local residents contrary to policy CS5 and CS7 of the LDF Core Strategy and DP12 and DP26 of the LDF Development Policies."

The Appeal itself contains several falsehoods and much spin. Neighbours living above the premises are currently troubled by the noise coming from customers at the many (illegal??) pavement tables where drinks are currently being served without accompanying meals, contrary to the licence. On several occasions police have been called to quell disturbances. This noise, disturbance and general movement at night would be greatly increased if a full-service late night restaurant were allowed. There are currently parking problems, especially since the opening of the religious Chabad at No 47 and the A3 consent for No 63 – both of which have come into being since the Refusals of the Change of Use Application. Currently staff /kitchen noise, noise from the air. con. plant and deliveries are noticeable in the service road adjoining the back of the flats in Fairfax Place and, no doubt, in the flats at the back of the accommodation block in Fairfax Road – all this before any late-night full service restaurant in this location. The 4-storey flue/fan, spewing out particulates from kitchens, will be an eyesore when viewed from the houses and flats in Fairfax Place

We have quite sufficient, some would say too many, restaurants in the immediate vicinity, several of which are having difficulties in attracting custom (including an Italian one, somewhat similar to that proposed by the Applicant??) and a number of which have failed recently. We do not need more. And, as

some units are now being used as "offices" (to which I have no objection ... they are quiet), we need to keep the number of A1 units to allow for diversity.

This particular Applicant, who foolishly must have spent considerable sums on altering the premises of his furniture shop to become a restaurant before applying for Class A3/A4 use and, therefore, is due no sympathy whatsoever, is not to be trusted. He is certainly not the "good neighbour" he purports to be and trumpets via the Press. The initial building work continued night and day throughout the week against neighbours' requests for reasonable working hours and some peace, especially at weekends. The Refusals for Change of Use have been ignored. Tables are put out across the whole frontage of the two units and, in summer, service is provided until the last customer leaves. Customers of the deli are urged to sign petitions in support of the late-night full-service restaurant but these are not neighbours, nor people who will be affected by the change to the benefits previously bestowed upon them by their enjoyment of their homes. I could go on.

I dread the prospect of his getting permission, even with Conditions. Based on his previous behaviour, he will ignore them totally and continue to suit himself. He will have no intention of conforming to any Conditions imposed on opening times, number of covers, closure of kitchen windows, times of use of fans etc etc. and that is why he refused to agree to an s.106.

Please, please I urge you to REFUSE this Appeal.

Regards

Liz Fenner

24 and 35 Fairfax Place

London NW6 4EJ

[REDACTED]

From: Heather, Christopher
Sent: 31 March 2014 12:29
To: Planning
Subject: FW: 2013/737/P - 51/3 Fairfax Road, NW6 4EL OBJECTION

Categories: Orange Category

Please can this be registered.

Thanks

Christopher Heather
Senior Planning Officer

Telephone: 020 7974 1344

From: Stephen Garford [REDACTED]
Sent: 27 March 2014 15:27
To: Heather, Christopher
Cc: Freeman, Roger (Councillor); Rea, Flick (Councillor); Vincent, Sue (Councillor); Marshall, Andrew (Councillor); RSCDevelopmentControl
Subject: 2013/737/P - 51/3 Fairfax Road, NW6 4EL OBJECTION

What is the point of a "Planning" "system" which is neither *systematic* nor adheres to its own *plans*? Over the past three years I have submitted thousands of words about the undesirability of introducing another restaurant (in addition to the high density of existing ones within a five-minute walking radius) into a predominantly residential area which has historically been free of them, and for which it is highly debatable that there would be significant demand (several of them having already failed due to lack of returning customers) for pretty bog-standard Italian catering, at comparatively high prices.

You cannot fail to be aware, from numerous complaints made by me and my neighbours, that the operator totally ignores the absence of Class A 3 for his former furniture showroom, and exhibits a very defiant attitude to the refusals – notably through the local press. His actions speak louder than his words, and therefore I seriously doubt that imposing working time conditions would be little more than pointless paper shuffling (such that you and your colleagues could then retreat to the staff canteen and gobble doughnuts, having "done their job"), but leaving local residents to stew in the juice of noise and disturbance arising from the change of use.

Furthermore, whoever wrote the letter in support of the present application has clearly chosen to be blind to the notion that a Class A1 (takeaway) sandwich bar is a very different creature from a Class A 3/4 bistro or wine bar, and simply lies, to bamboozle the Committee about the "harmlessness" of the existing illegitimate use.

Also, please note that obtaining an alcohol licence is not the *equivalent* of planning permission, it is simply a regulatory requirement in parallel, and was cunningly obtained before the intention to change the Planning use had been revealed, leaving objectors in the dark at that stage. The fact that a licence was granted has no evidential value in the present circumstances.

However, the persistent sale of alcohol without meals (with no embarrassment, the operator explained in front of me that he serves token amounts of bread to such customers) does not augur well for events at this

property, should PP be granted – it will turn into a genteel boozery, and you already know from other residents' comments that police have had to be called to limit misbehaviour in recent times.

The current application is in substance no different from the ones previously refused, at first instance and at appeal. There has been no change of physical circumstances, in that a significant number of people do and will continue to live above and behind the application site, and already suffer from the alcohol-fuelled effects of the current illegal trading. Your colleagues in the "Enforcement" division may indeed have diligently "opened files" and "visited the site", but to no effect whatsoever – alcohol (alone, without food) continues to be consumed at outdoor tables on the public pavement, according to the varying ambient weather conditions.

One can only conclude that the applicant believes (like I and many of my neighbours now do) that CBC is idle and stupid, and that persistence will eventually wear it down, to arrive at a situation where the LPA is no longer bothered by people objecting to mad or unnecessary decisions. It was his choice to spend a silly amount of money on extravagantly fitting out the premises before he even got to committee with the first CoU application (regarding a furniture showroom which had already traded for many years, but was flagging due to the aesthetic tastes of its customers not matching his own). Any kind of "sympathy vote" is entirely unjustified – it was a commercial decision, which happens to have flopped. The premises can readily be returned to shop use.

Finally, things I observed as a publicity meeting last autumn suggest that the present application will have a petition in support. Please view this very sceptically, in particular about the genuine addresses of those signing it, as I got a very strong impression that those in favour live some distance away, far out of earshot, and would not be in the least affected by disturbance, nor by the pressure on parking which will arise.

Therefore I entreat you to take this application to DCC (not using delegated powers), and let it refuse it. If you can be bothered, please read my various past representations to committee and to the Inspector. There is little point in my repeating them, but you will get the flavour from my comments above.

Regards, Stephen Garford. 26 Fairfax Place, NW6 4EH. [REDACTED]