

**22 Fairfax Place
London
NW6 4EH**

Zenab Haji-Ismail
Development Control Planning Services
5 Pancras Square
London Borough of Camden
London N1C 4AG

25 July 2015

Dear Ms Haji-Ismail

**Application ref: 2015/3916/P
Planning Application for 51A FAIRFAX ROAD, LONDON NW6 4EL**

We live behind the property that has applied for a further change of use from A1 /A3 to late night A3 restaurant use.

We are writing to set out our objections.

We are very concerned about the noise that will be generated by the proposed kitchen extract plant and the unpleasant smells that will result from the kitchen extract, very close to our property.

This terrace within Fairfax Place which contains our house is a quiet road, particularly at night; it does not face a busy road or have through-traffic. The weekends are totally quiet. The noise imposed by the proposed kitchen plant will be very noticeable.

We are concerned that the proposed opening hours will be far longer than the existing opening hours of any of the retail units to this terrace.

The close proximity of the rear of the unit and the rear of our property means sound is magnified and it will inevitably result in noise nuisance. This is particularly bad at the top of the steps where the rear service access to the property is located.

If food is served until 10pm it will be difficult in reality to get customers to leave by 10.45pm. Staff will obviously have to stay later to clear up/wash up.

Customers and staff will disturb residents late at night when they return to their cars. Some will park in Fairfax Place as this is possible after 6.30pm and on weekends.

There have never been any restaurant units on this part of the parade of Fairfax Road and the existing shop units along this parade exist in harmony with the residential units.

There are no kitchen extracts adjoining the subject property at the rear.

We are also concerned about youths gathering at the rear of our property to eat and drink and generally disturb the residents. This could become a problem with the subject property's late night drinking licence.

We strongly feel that this application will result in a significant level of Public Nuisance; one only has to compare the difference between the rear of this terrace of units, with the other terrace where there are a series of restaurants, to appreciate how the presence of food operators results in significant issues of smell nuisance, noise nuisance and the like which are simply not generated to the same extent by the existing uses.

We understand that consent has been refused three times by Camden Council because granting consent would have resulted in late night activity, noise and disturbance to the detriment of the amenity of local residents.

We assume that once again consent will be refused.

Yours sincerely

Judy and Gianni Bonacina

PLANNING APPLICATION FOR 51A FAIRFAX ROAD, LONDON NW6 4EN
APP/2015/3916/P

We live at Walton, Gladstone and Newton Court directly above the subject property.

Our concerns relate to disturbance to the quiet enjoyment of our homes:-

There will be disturbance from customers arriving and leaving the premises and hanging around in the street, disturbance from cars arriving and departing, disturbance from staff leaving late after customers, noise from customers drinking and eating at the tables on the pavement, unpleasant odours from cigarette smoke coming through our windows and ventilation bricks, noise/disturbance from the kitchen extract close to our bedroom windows which will run well into the night (the operating hours are 7am until 11pm). We will have to shut our windows at the front and back throughout the year.

We are also concerned about anti-social behaviour. The police have already been called out on a number of occasions.

We will be disturbed by noisy bottle collections.

There will also be increased parking problems, youths gathering at the rear of the property to drink (this is already a problem) and staff taking breaks at the rear door of their unit by the stairs, blocking our rear/fire escape access.

This is a mainly residential area, not a busy city location and we want to have some peace in our homes. As the Inspector pointed out, the northern end of Fairfax Road is much quieter than the southern end. A 9pm closing imposed by the Inspector in August 2014 is still very late. There are elderly people, people with young families and people who go to work very early and do not want to be disturbed in this way.

Please once again dismiss the Application for further A3 to be added to the premises. The Appeal Inspector in August 2014 for 51/53 Fairfax Road, clearly states that there should be no more than 45 covers in the premises. An increase in A3 use would obviously mean an increase in the number of restaurant covers.

Thank You.

Name	Address
I. Shamesh	Flat 3, Gladstone
M. Lewis	Flat 2, Gladstone
L Sharp	Flat 9 Gladstone
L Weng	Flat 6 Gladstone.
NAKAMURA	Flat 4 "

Name

Address

ROHIT PATEL



2/3 NEWTON COURT
35 FAIRFAX RD
LONDON NW6 4ER

RICHARD



4 DENHAM COURT
67 FAIRFAX ROAD
LONDON NW6 4EF



Walton Court 6

NEHA PATEL



1 WALTON COURT
51 FAIRFAX ROAD
LONDON NW6 4EF

3 Walton Court



1/1/1/1

FIRST 2 WALTON COURT

Name



Punam Ruparell



Mr. AREZOGY

Varsha Shah

Address

flat 3, 14 Fairfax Place
London
NW6 4EH.

Flat 1, 14 Fairfax Place,
NW6 4EH

Flat 5 Gladstone
NW5 5EP

8 Gladstone Court
49 Fairfax Road.

[REDACTED]

From: Haji-Ismail, Zenab
Sent: 04 August 2015 11:59
To: Planning
Subject: FW: 51a Fairfax Road 2015/3916/P - Acoustic Report

Hello,

I would be grateful if this could be made available to view online.

Kind regards,

Zenab Haji-Ismail
Senior Planning Officer

Telephone: 0 [REDACTED]
From: Stephen [REDACTED]
Sent: 04 August 2015 11:34
Cc: Pasfield, Lucy; Haji-Ismail, Zenab; Vincent, Sue (Councillor); Rea, Flick (Councillor); Wheat, Frances; berry ingrid
Subject: Re: 51a Fairfax Road 2015/3916/P - Acoustic Report

With the greatest of respect to the authors, one must remember that this report is as much a sales pitch as a science-ish technical analysis. A sensible reader should approach it in a similar way to interpreting the manufacturer's fuel consumption information for a new car. In other words, the car buyer who imagines that s/he will reach the stated level of fuel economy is in for a major disappointment – see any number of indignant observations on the motoring pages of Sunday newspapers.

This is because they cheat, by methods such as in-factory-only flat rolling roads, stripped-down vehicles with optimum settings of every component, and so presenting "results" for entirely imaginary driving conditions. Curiously, though there are EU regulations about how these tests are to be done, such is the commercial pressure that the regulations are tilted in favour of the manufacturers – see other Sunday paper stories.

In the case of static machinery, to be mounted in heavily built-up areas, the relevant factor is (unavoidable) noise, and obviously the manufacturer has a strong temptation to present the rosier-possible picture as to how quiet aircon or ventilation equipment actually is. This kind of equipment is a costly grudge purchase for the operator, so the maker has a very strong incentive to "economise" on materials (such as a truly effective noise baffle, acoustically-optimum fan blade shapes, and so forth), in order to reach a competitive retail price point, with the machinery operating at just about a tolerable minimum level of effectiveness. At operating level, the energy to run the system is an inescapable expense, but maintaining the equipment in perfect working condition is avoidable, by simply not doing it. All over London neighbours of such things complain in vain about such things as neglected ball-races beginning to rattle noisily, grease-traps not being cleared (thus emitting oily and/or smelly vapours from kitchens, and so on). An example from 2012 known to Members related to an oriental takeaway in Mansfield Road, where such a situation had persisted for some years, so badly that the flats above it had literally become unsaleable. It was reported to Committee that there had been over 200 letters of complaint, but Camden's so-called "Enforcement Team" had been supine throughout.

The conclusion is that, however carefully a planning condition about proper maintenance and sound limits may be imposed, in reality such a thing is utterly meaningless. [As a suggestion, that kind of condition might continue to say that are strong is not allowed to open for business during any time when the criteria are not fully complied with.]

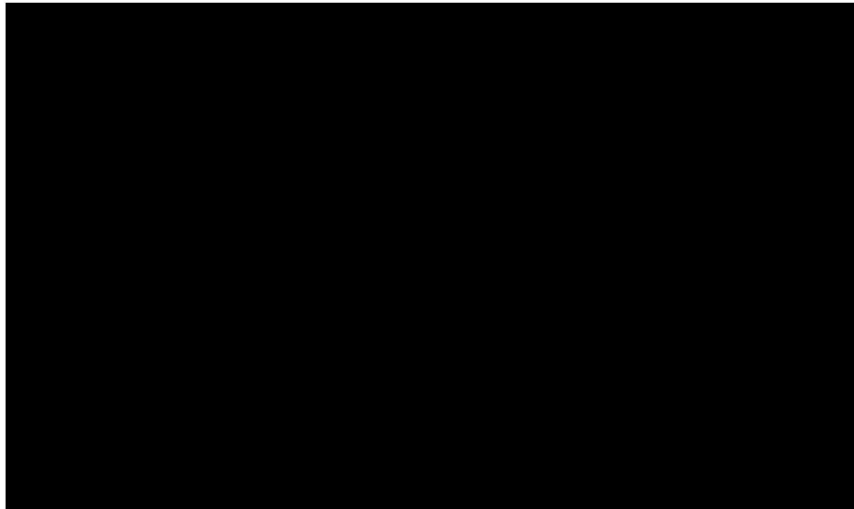
Returning to this particular acoustic report, clearly the operator will have had at the forefront of his mind the costs, both capital and revenue, of creating this synthetic environment for his customers, whilst caring nothing for the bad effects on neighbouring householders. Camden's files will show vividly how this was put into effect. These acoustic consultants were engaged and paid for by that operator, doubtless highly mindful of the result which he would like to achieve. Splattering the document with technical expressions which very few readers of it would be able to interpret in a meaningful way is always a good tactic in these situations.

An example of this spin is the reference to the background noise of passing traffic: in reality, there is next to no passing traffic in Fairfax Place during the evening operating hours, and in Fairfax Road the traffic flow diminishes considerably in the evenings, the largest vehicle being an occasional bus. Also, neither the text nor the diagram in the report shows that there is a 2 1/2-storey block of flats at the back of the 4-storey buildings in Fairfax Road, separated only by a 7 m concrete service road. The effect of this is to create an echo chamber between all these hard surfaces.

Since construction in about 1967, the parade of nos. 35 - 53 has always been Class A 1 units at the bottom level(s), with 3 storeys of flats above: the commercial units have therefore typically been unoccupied after about 7 PM. Though it is not strictly on the point made above, when nos. 51/53 were for a spell in illegally used as a restaurant, the disturbance in the evenings represented a very considerable extra nuisance to the residential neighbours – for example, restaurant staff would noisily take their break on the back steps, and kitchen noises escaped through the open back door – while the warmer the weather the higher was the setting of the Aircon units. Since there is little passing trade at lunchtimes, obviously the proposed new operator will wish to maximise evening trade, with a predictable consequence. In addition, restaurants typically get multiple deliveries of perishable foods early in the morning, and the suppliers would inevitably have to use the narrow service road.

To sum up, Practical Acoustics may very well be highly expert in what they do, but they should not be seen as equivalent to an "expert witness" in a court case (who must act impartially), but rather than as advocates of their client's case.

Regards, Stephen Garford, 26 Fairfax Place, NW6 4EH





On 3 August 2015 at 16:27, Pasfield, Lucy  wrote:

Dear Ms Bethell

Just to let you know that I have raised a members enquiry asking for enforcement action as requested by Cllr Vincent with ref 10178433. The target response date is 17th August but we might hope to have a reply prior to that given the ongoing nature of the problem.

Cllr Vincent will be back in touch when she receives the response but in the meantime please do let Cllr Vincent or myself know if there is anything further we can do.

Yours sincerely,

Lucy Pasfield
Member Support Officer

Telephone: 020 7974 1969



From: Rea, Flick (Councillor)
Sent: 03 August 2015 14:10
To: Vincent, Sue (Councillor)
Cc: Haji-Ismail, Zenab; Litherland, Jenna; Wheat, Frances; Rhodes, Maya; Bakall, Gary; Pasfield, Lucy
Subject: Re: 51a Fairfax Road 2015/3916/P

Totally agree with Sue Vincent - this is appalling! Can't believe we're virtually back where we started!
Ingrid - I am so sorry - this is a nightmare!

Lucy please keep me copied in as well!

Flick Rea

Lucy Pasfield
Member Support Officer
Member Support
Finance
London Borough of Camden

Telephone: 
Fax: 
Web: camden.gov.uk

1st Floor
Camden Town Hall

Judd Street
London WC1H 9JE

Please consider the environment before printing this email.

On 3 Aug 2015, at 13:20, Vincent, Sue (Councillor [REDACTED]) wrote:

Goodness me, is Ingrid still having to write about the aircon at Fairfax Road – this has been on-going for years. Who is taking responsibility for this family who have not been able to have the quiet enjoyment of their home for so long?

Lucy, please ME this and find someone take enforcement action – noise levels have been recorded as “way in excess” of our noise criteria. It is unacceptable that we are allowing, by virtue of not addressing this problem, an environment that causes distress to this family.

Best

Sue

Councillor Sue Vincent

Hoiborn & Covent Garden Ward



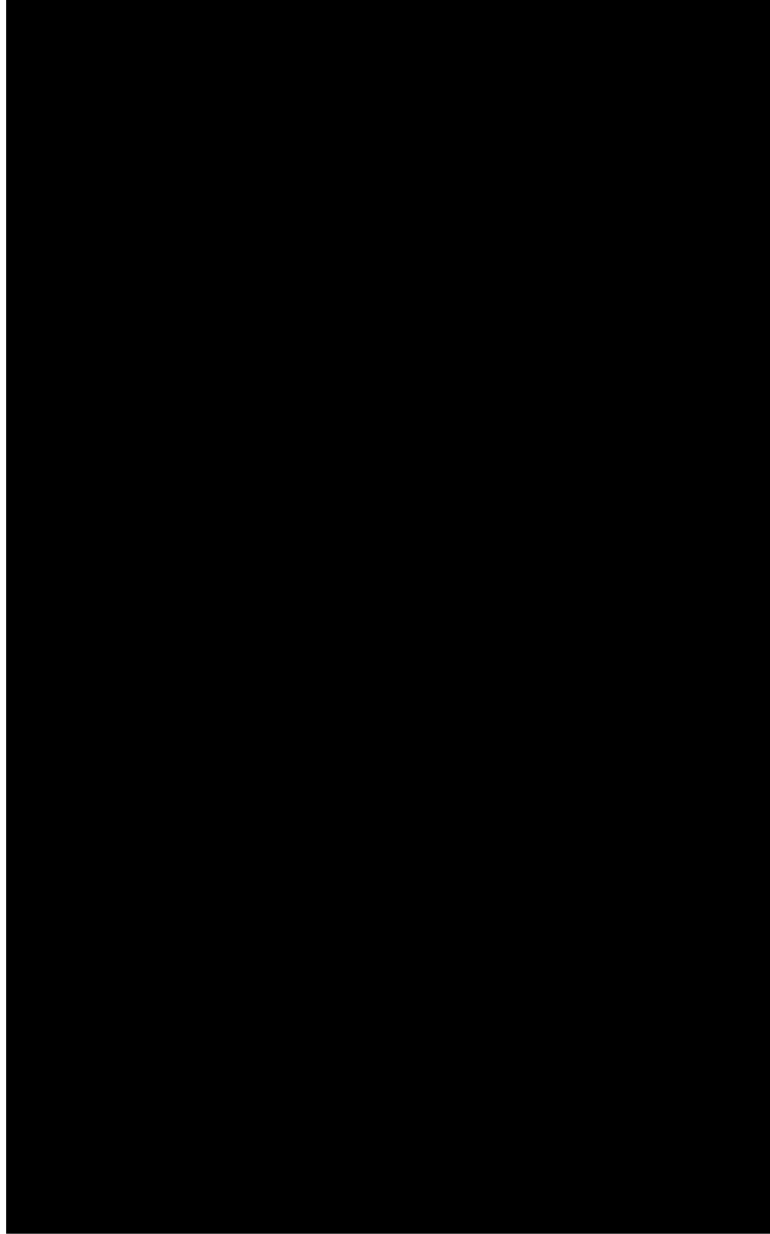
[London's toxic air is killing thousands](#)

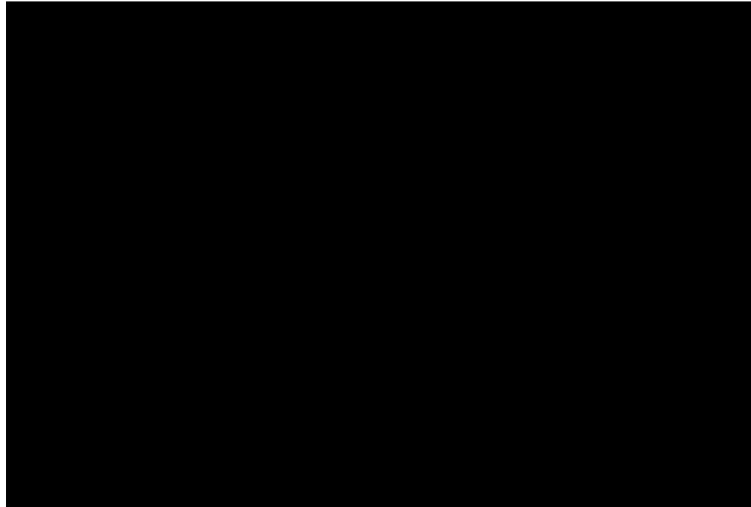
For Design Network enquiries: [REDACTED]

Council Surgeries held between 6.30-7.30pm on 1st & 3rd Friday of each month at Bedford House, Emerald Street off Lamb's Conduit Street and on the last Friday of each month at Dragon Hall, Stukeley Street off Drury Lane. No appointment needed.

London Borough of Camden, Old Town Hall, Judd Street WC1H 9JE

Tel: [REDACTED]





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