

51A Fairfax Road 2015/3916/P

- **We are objecting to this application. There have now been 3 planning refusals and 2 planning appeals relating to 51 -53 Fairfax Road and 51 Fairfax Road since 2011 !**
- **The previous application for 51-53 Fairfax Road related to A1 use at number 53 and A3 use at number 51 only.**
- **This application relates to A3 use at 51 Fairfax Road. The A3 content is therefore similar to the last application. The premises already benefits from a fully fitted kitchen in the basement with seating. If this area is used as A3, in addition to the ground floor the number of covers would increase dramatically, from those shown in the application. Recently, the shop front has been altered to include a door to the front elevation.**
- **In 2012, a change of use to A5 at 47 Fairfax Road was refused consent because ‘it 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 of the Local Development Framework Camden Core Strategy and policies DP12, DP26 and DP 28 of the Local Development Framework Camden Development Policies’.**
- **My family live 6 metres behind the subject property. We have lived here for 15 years. Our 10 year old son is autistic. He needs a quiet and peaceful environment in order to sleep (from 7pm). His behaviour deteriorates significantly if his sleep is disturbed.**
- **After 5.30pm during the week there is no noise from any of the A1 units and the service road is completely quiet. The weekends are totally peaceful. There have never been any A3 operators along this part of the terrace of Fairfax Road. The existing shop units along this parade exist in harmony with the residential units.**
- **Both floors of the subject property have windows at the rear. Even if a condition is imposed to keep them closed, this will be impossible to enforce. As they are only single glazed, we will hear kitchen and restaurant noises at all times. The premises has two kitchens. Controlling the use of a rear door would be very difficult. Because the road is so narrow, any noise is magnified and causes disturbance. It will be impossible to stop staff gathering at the rear for their breaks. Bottle collections will also be exceedingly noisy.**
- **Proposed opening hours to include weekends and public holidays are totally unacceptable. My sons go to sleep at 7pm. Residents do not want to be woken up by noisy plant being switched on early in the morning either. There are elderly housebound residents and young families living above and at the rear who want to have some peace.**
- **My husband and I have been Chartered Surveyors for over 20 years. We are fully aware of the negative impact of restaurant users on residential occupiers in terms of noise nuisance, general disturbance, smells, vermin and lack of maintenance of plant. Experience proves tenants simply will not incur expenditure to back of house areas such as plant maintenance.**
- **The applicant is proposing to retain the air conditioning unit at the rear which was refused consent in 2012, but continued to operate, causing my family endless disturbance and sleepless nights, when the tenants forgot to switch it off. Even when a baffle was fitted to**

this unit, readings taken from our loft bedroom by Camden's Environmental Health department, showed that they were way in excess of Camden's noise criteria and the levels stated in the acoustic report, provided by the previous tenant. It is unfair for the residents to have to rely on staff to keep the air con running at a low level particularly during the summer. As residents, we shouldn't have to police this and we should be able to open our windows.

- The applicant is proposing a completely different flue layout, (which is very close to our bedroom), to the one approved by the Inspector in his decision in August 2014. There appears to be no acoustic report, no proposed rear elevation plan, no internal fan (to ensure no noise generation) and no inline silencer.
- As I have mentioned previously, my son is autistic and needs a peaceful environment in order to go to sleep at 7pm. The proposed flue is 6 metres from his/my bedroom.
- Despite the Planning Inspector's conclusion that a closing time later than 9pm in this location is unsuitable, the applicant is pushing for a 10pm closing. In reality, the staff will leave even later than this.
- There are a number of restaurants at the southern end of Fairfax Road backing onto the rear southern terrace of Fairfax Place. These properties have been blighted by the restaurant units and their noisy smelly plant. None of these restaurants, however, are open from the morning until late into the evening, so the residents do get some respite. Some of these restaurants date back to the 1960's and early 1980's, before the current Core Strategy and associated guidance was adopted. There is some doubt as to whether these premises would be granted A3 consent today.
- Allowing the opening hours until 10pm is contrary to the 2014 Appeal decision. The Inspector clearly states that a closing time later than 9pm is unsuitable in this quiet location. The premises also has a late night licence to serve alcohol 7 days a week. There have been incidents of anti-social behaviour and youths gathering at the rear causing disturbance to the residents. The police have previously been called a number of times.
- The Inspector clearly states that there are to be no deliveries after 7pm, all rear windows are to remain fixed shut and the rear door is to be used for deliveries and emergencies only. This will be impossible to enforce in practice. Also, the number of covers must be limited to 45. If the applicant decides to start using the basement restaurant space, the additional customers will cause more disturbance to the residents, particularly when they leave the restaurant late at night.
- In March 2013, the Planning Inspector stated in her Appeal decision refusing a change of use to A3 at number 51, that the proposed development would be harmful to the living conditions of surrounding occupiers in terms of noise and disturbance, contrary to policies CS5, CS7 and DP12 and DP26 of the CS and Camden Development Policies 2010 and CPG5, which cover development in centres and seek to protect the living conditions of residential occupiers within them.
- We have very stressful lives bringing up a child with special needs. Disturbed sleep will affect his ability to cope with the day to day demands of dealing with his condition and will have a direct impact on our lives, as his carers. We would like to have peace in our own home. Please once again refuse consent for a 10pm closing.