

Andrew and Tara Hamel-Smith
33A Birchington Road
London NW6 4LL

Regeneration and Planning Development Management
London Borough of Camden
Town Hall
Judd Street
London WC1H 8ND

Attention: Matthias Gentet

By email

29 February 2016

Dear Mr. Gentet,

Planning Application – 46 Birchington Road – Vila Ronel Bar and Restaurant

We are writing in relation to the property at 46 Birchington Road NW6, which is the location for Vila Ronel Bar and Restaurant. We understand the tenant has submitted retrospective applications to (1) retain timber decking which was constructed in front of the property, and (2) display an internally illuminated fascia sign. We would like to express our view that Vila Ronel should not be granted permission to retain the external decking; and although they should naturally have a sign, the current sign is not appropriate.

In summary, we object to the external decking primarily on the basis that it has resulted and will continue to result in unacceptable noise on Birchington Road, which is overwhelmingly a residential street. This will be a particular problem at night - including the early evening when we (and several others) have babies and young children asleep very nearby. In addition, the decking has a negative impact on the visual amenity and character of Birchington Road. In respect of the sign, this is intrusive and negatively impacts the visual amenity and character of Birchington Road (especially when used in a mode that flashes and changes colours). We have set out our more detailed reasons below.

The Decking

The external decking has resulted (and will continue to result) in unacceptable noise on Birchington Road. The decking is a significant outdoor space which is very near to residential properties including ours. This is evident from the drawings submitted with the application. If you look at those drawings, the windows just above the sign belong to residential properties, and so do the windows in the terraced house that appears at the right of the drawings. We live obliquely opposite Vila Ronel. The noise issue is further exacerbated by the following two factors: (1) in addition to being a general bar and restaurant, Vila Ronel is being used and marketed as an events / function / party venue; and (2) Vila Ronel has on several occasions disregarded the conditions attached to its planning permission in terms of opening hours.

In relation to the first point, unlike a typical restaurant where people socialise over a meal and drink, Vila Ronel is also being used for various events and parties involving music and dancing e.g. birthday parties, a wedding party, an Albania independence day party, a New Year Eve party etc. To be clear – we are not suggesting that the music and dancing etc happens on the decking – rather this happens in the basement which has sound insulation. The problem arises when you mix this type of use together with the decking. This increases congregation on the decking for a drink, smoke, banter and fresh air, as party goers pop in and out. This is already happening in the winter and it is fair to assume the use of the decking will only increase as the weather gets warmer and as

business picks up. Further, several of these events have gone on well past the opening hours permitted in their planning consent; and people can get louder after a few drinks. We have pasted below this letter a note we (Andrew) made following one such incident.

In addition, the decking has a negative impact on the visual amenity and character of Birchington Road. It is a large wooden structure, significantly higher than the road level, and built all the way to boundary of the property. In our view the decking is unattractive, and is not congruous with the other properties on Birchington Road, nor the general street scene. It does not appear, either in design or scale, to have any regard to the architectural features of the locality. Also, the structure of the decking is such that it acts like a platform on Birchington Road. It is easy to feel overlooked by people standing out on the decking.

We have lived in this area for many years and, while we are aware of decked areas outside restaurants on high roads such as West End Lane, it would seem an unusual development to permit such external decking on one of the residential side streets.

The Sign

There is not so much to add about the sign. As mentioned above, this is intrusive and negatively impacts the visual amenity and character of Birchington Road (especially when used in a mode that flashes and changes colours). Apart from the flashing and changing colours, the sign is very large and is displayed at a high level.

Other Comments

We are not questioning the Council's decision to permit A3 use (although we do not fully understand why this significant development involved consultation with all of the residents on Quex Mews and not neighbours on Birchington Road itself). However, it is useful to consider the application for external decking in the context of the decision to permit A3 use:

- Birchington Road is, and always has been, overwhelmingly a residential street. Despite being so close to Kilburn High Road it has historically been a very quiet street at night, the only noise being the occasional ambulance siren heading up the Kilburn High Road. This is the first time there has been anything like Vila Ronel on this street, a large venue bringing significant numbers of people late into the night including for parties, serving alcohol etc.
- When the owner first applied for A3 use in 2013 this was refused. One of the reasons was that *"the proposed Class A3 restaurant use would be detrimental to the character of the local area and the amenities of neighbouring residential properties by virtue of its size and proximity to neighbours which would create excessive noise and disturbance."* We understand this was successfully appealed. However, the fact that a different decision was originally reached, indicates it was not a very "clear cut" case.
- The appeal officer remarked: *"There is potential for customers of the premises to cause noise when arriving or leaving the property. The entrance is however set away from the residential properties to the east, there are no residential properties directly opposite and the flats on Kilburn High Road are screened, to a large extent, by the form of the building...the comings and goings of customers, particularly late at night, are likely to have a greater potential to disturb the residents within the living room of the first floor flat than a retail operation."* It is worth noting that the above envisages people making noise only when arriving and leaving, and also envisages a set back entrance. However, it clearly did not envisage the outside space being used in the manner currently proposed, in particular the addition of a large external decking space.

The purpose of setting out all of the above is simply to note that the decision to permit A3 use was a finely balanced one that did not envisage the external decking, and the decking significantly changes the equation. There is a particularly sensitive need to balance the interests of Vila Ronel with the impacts on local residents. The decision to permit A3 use was already a major development in the context of this street – the addition of the external decking seems a step too far.

Thank you for your kind consideration of our views.

Yours faithfully,

Andrew and Tara Hamel-Smith

Note of incident (just one example):

--- I was doing some paperwork in the room at the back of our flat with all doors and window closed at about 12.30am. When sitting there, I normally cannot hear anything from the road, except the occasional passing siren on the high road. However, I was able to hear loud voices so decided to pop out the front door to investigate. There were a number of people on the front decking of the bar & restaurant who were talking and laughing quite loudly – I am presuming they were a bit tipsy from drink. At the same time I could see neighbours hanging out of their windows and looking towards the decking (either to investigate what was going on or perhaps to help the people realise that they were creating a disturbance on a residential street). At the same time another neighbour came out his front door to investigate, because he said the noise was so loud he thought there might have been a fight. We chatted a bit about the noise being unreasonable. A minute later another neighbour walked past towards her home while I was still standing outside and said "They are being so loud – I can't believe I live just here – I don't know who to complain to."---



Dear Planning Team,

Thank you for your letter dated 12 February 2016 inviting us to comment on the planning application in respect of 46 Birchington Road (2016/0652/P).

Please find attached a letter which sets out our objections to the planning application. If you have any queries about the contents of this letter please do let us know.

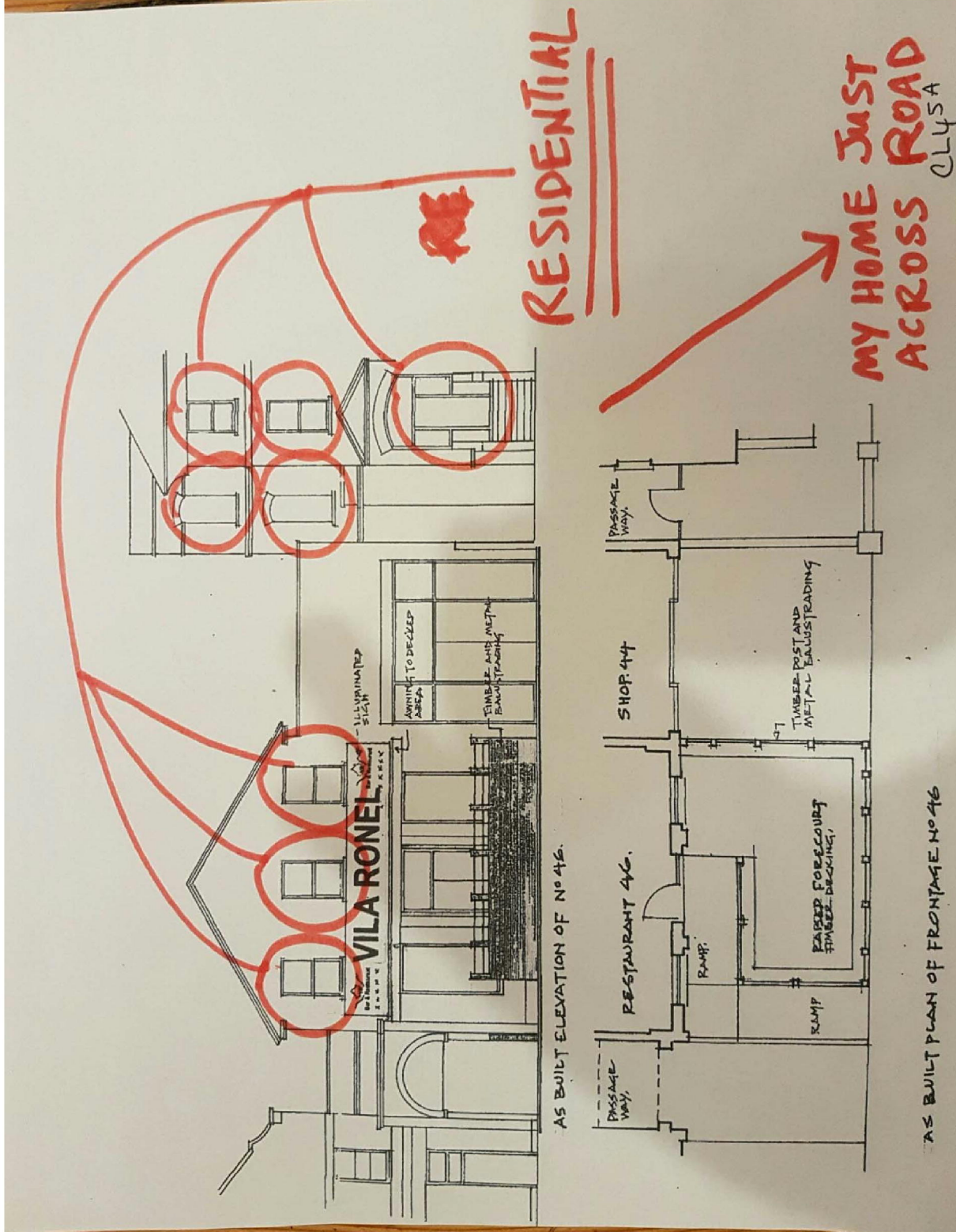
In addition to the letter, we would like to make the following observations. Vila Ronel does not seem to have a proper understanding of the conditions regarding opening hours that are set out in their permission for A3 use. In the past, we corresponded with Ms Ryan about a party at Vila Ronel that was advertised to run past their permitted opening hours. We also note that they have applied to carry out licensable activities beyond their permitted openings hours. Today we note that on their Facebook page they are advertising Mother's Day events for Friday 4 March and Sunday 6 March (with live music), and the stated time for these events is 7pm to midnight. However, their current permitted hours are up to 11.30pm on Friday and 10.30pm on Sunday. I have pasted the advertisement below.

This lack of respect for conditions is an additional reason why the external decking is not a good idea. However, even if the decking is removed, it is a real problem if Vila Ronel simply ignore their permitted opening hours.

Best regards,

Andrew and Tara Hamel-Smith

Translated from Albanian using Google translate --- "On the occasion of Mother's Day we wish all Albanian mothers and sisters to be happy and have always only harmony with their lives . You are invited to celebrate together the Vila Ronel Restaurant 4 March and 6 March Address : 46 Birchington Road NW6 4LJ Kilburn London With live music and traditional food from 19:00 to 24:00 for more info Tel : [REDACTED] Welcome"



RESIDENTIAL

MY HOME JUST
ACROSS ROAD
CLYSA

AS BUILT ELEVATION OF NO 46.

AS BUILT PLAN OF FRONTAGE NO 46

Enirayetan, Oluwaseyi

From: Andrew Hamel-Smith [REDACTED]
Sent: 03 December 2016 22:15
To: Gentet, Matthias
Cc: Tara Hamel-Smith; Planning
Subject: Planning Application - 46 Birchington Road - Vila Ronel
Attachments: Previous Letter.PDF; 46 Birchington Road Diagram.pdf

Dear Matthias,

We are writing to object to the retrospective planning applications at 46 Birchington Road for retention of external timber decking and an illuminated sign . In short, the decking and signage are not appropriate for this residential street, both in terms of appearance and in terms of noise generation and other loss of amenity.

When the same application was submitted back in February 2016 we submitted a letter with fairly detailed reasons for our objections. Instead of repeating these, we have attached that letter to this email, and we ask that you kindly consider this again.

However, we would like to make some further observations:

- As you would know, this property's permission for A3 use includes a condition that *"the use hereby permitted shall not be carried out outside the following times 09.00 to 23.30 Mondays to Saturdays and 9.30 to 22.30 on Sundays and Bank Holidays"* in order to safeguard the amenities of the adjoining premises and the area. The permission further states this means that *"no customers shall be on the premises and no noise generating activities associated with the use, including preparation and clearing up, shall be carried out otherwise than within the permitted time"*. In fact, Vila Ronel has been open well beyond its permitted hours on a number of occasions in the past few months, with people out on the decking making noise, sometimes as late as 1am (perhaps later).
- The licence for this property includes a condition that *"the external front terrace may be used for eating/drinking and as a smoking area up until 18.00hrs during the operational hours of the premises. After 18.00hrs the front terraced area may be used for smoking. No more than 3 patrons will be permitted to use this area after 18.00hrs at any one time. No alcohol will be permitted on the external front terrace after 18.00hrs. After 18:00 tables and chairs in the outdoor area shall be rendered unusable."* In fact, these conditions were breached on a daily basis during the summer and early autumn months, with customers dining and drinking on the decking well into the evening. In addition, as mentioned above, when there is an event at Vila Ronel this often ends with groups of people making noise out on the decking very late at night, even in these colder months.

- The licence for this property includes a condition that "*the premises shall operate a dispersal policy and all staff shall be trained in its implementation.*" If Vila Ronel has a dispersal policy, they do not seem to be implementing it. The late night problems mentioned above seem to be particularly acute at the end of events held at Vila Ronel. On such occasions, people seem to congregate out on the decking for 30-45 minutes, rather than dispersing. As you can imagine, after a night of having a good time and drinking, these "jolly" customers can be quite loud.

If you would like photographic evidence of "late night" use of the decking we can provide this. However, since one of the property's licensing conditions is that "*CCTV shall be in use at the premises*", I expect evidence can be obtained in that way instead.

Separately from our objections to the planning application – Vila Ronel is clearly breaching planning conditions, licensing conditions, and environmental health requirements; and so we ask that you kindly raise these issues with the appropriate people at the Council.

We feel that, in addition to the points made in our previous letter, the above realities demonstrate that the external decking is wholly inappropriate on this residential street, only metres from people's homes (see attached diagram). Moreover, it seems that imposition of further conditions would not help, as they do not seem to have any respect for conditions.

Finally, I would note that the decking has increased the "floor area / size" of the premises in comparison to what was originally approved for A3 use. The bigger the premises, the bigger the risk that it will negatively impact local amenity. One problem we have on our street is parking. This restaurant has made it harder for us to find parking on our street; and it can be particularly frustrating when as late as 12.30am the parking spaces are being take up by customers, long after the hours the venue is officially permitted to be open.

Thank you for your kind consideration of our views.

Best regards,

Andrew and Tara