

Application No: 2016/5068/P **Consultees Name:** Mark Baillie **Consultees Addr:** 39 Lamb's Conduit Street, London WC1N 3NG **Received:** 22/12/2016 23:10:37 OJB **Comment:** **Response:** OBJECTION TO APPLICATION 2016/5068/P FROM: Mark Baillie, 39 Lamb's Conduit St., London WC1N 3NG on 22 December 2016

I am the upstairs neighbour of Coffee Blooms and joint freeholder of this building and I oppose the two distinct parts of this application 2016/5068/P, one for new ventilation machinery and one for permanent A3 use, each on separate grounds. IF THIS APPLICATION IS NOT REJECTED AS IT STANDS, I REQUEST THAT THIS APPLICATION GO TO A COMMITTEE MEETING AND WISH TO BE NOTIFIED OF THE COMMITTEE DATE AND TO SPEAK AT THE MEETING. These objections are similar to those filed by my upstairs neighbour, Jenny Stevinson, and reflect the views of my wife, Williamina, who also resides here.

Separately, this application does not even meet Camden's new restricted conditions of minimal notification, as there is no application posted on the premises or outside it: the only, A4-size, notice is on a lamppost opposite no.37.

Note that this application for A3 use follows a temporary two-year A3 licence granted automatically to the long-standing A2 premises with no notification (when notification was routine, before the current restricted model), no consultation and no Committee meeting, nor even confirmation of the grant on your website, in 2014. The relevant law has been superseded with similar conditions by the Town & Country Planning Act 2015: this undermines councils' authority and residents' rights to a private life. This is the first instance of the two-year period coming to an end in Lamb's Conduit Street. There is no indication in the law of whether any restrictions, such as activity and opening hours, can be imposed but there is no indication that they cannot. CAMDEN PLANNING SHOULD SEEK TO TEST THE LIMITS OF THE NEW LAW, NOT COMPLY WITHOUT QUESTION OR CONSULTATION AS HAPPENED WITH THE 2014 TEMPORARY LICENCE. This law restricts the powers of councils and encroaches on the rights of residents to a quiet private life. Your legal advisers will have made you aware that your decisions must take account of the Human Rights Act 1998, including:

- Article 8 - Right to respect for private and family life: Everyone has a right to respect for his or her private life, home...
- Article 1 of the First Protocol - Protection of property: Every natural or legal person is entitled to the peaceful enjoyment of his possessions... This is a residential area, not an "established evening or night-time entertainment area" (wording used in other applications in other parts of Camden). It is therefore your duty to uphold the status quo and reject this application as it stands or to impose conditions that maintain the status quo and protect our private life.

SUMMARY OF THE OBJECTIONS

The following note addresses the two parts of the application, with principal conclusions in capitals throughout:

1. New Mechanical Fresh Air System, with no impact assessment of the encroachment of noise, smells and appearance on our property and our private lives: it MUST BE REFUSED, WITH THE CONDITION THAT RE-SUBMISSION MUST INCLUDE THESE IMPACT ASSESSMENTS.
2. Change of Use to A3, addressing encroachment on our private lives, persistent failure to comply

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					<p>with H&S and fire regulations, and changing the character of the street in a Conservation Area. This section also sets out the CONDITIONS THAT MUST BE IMPOSED FOR A3 USE TO BE ACCEPTABLE: THESE WOULD ALLOW THE BUSINESS TO CONTINUE AS IT IS. This section ends with examples that give the grounds for our fears about extending the current café with limited hours and cooking to a full restaurant.</p> <p>1. NEW MACHINERY</p> <p>The application for new equipment encroaches on my neighbour's private garden and contains no impact assessment of how noise, smells and appearance would encroach on our residences; the plans have ignored the existing ventilation shaft that gives out on the street. That impact assessment and evaluation of the existing outlet must be included in any new application so that we know what is being asked for.</p> <p>Such further details were requested by the residents and freeholders of the building on 2 November (email acknowledged by the applicant, available on request) but no formal response has arrived. The only assessment in the application is of noise on the street side of the building, not where the outlet would emerge at the back, where the machinery is much closer (see plans in the application). There is no technical drawing or description of what the outlet would look like where it emerges from the building.</p> <p>We, the residents and freeholders, were never consulted about these plans.</p> <p>THE APPLICATION AS IT STANDS SHOULD BE REJECTED. ANY FUTURE APPLICATION MUST INCLUDE THE IMPACT ASSESSMENTS WE HAVE REQUESTED SO THAT CAN EVALUATE THE APPLICATION PROPERLY.</p> <p>2. CHANGE OF USE TO A3</p> <p>The grounds for opposing this application for a permanent A3 licence, which mentions no conditions, are that it would allow a change of use that would have four harmful effects:</p> <ol style="list-style-type: none">1) encroach on our right to a private life by allowing more noise, disturbance and smells and for longer hours; this includes an increase in the late-night rubbish collection which is already a noisy problem on this street (photographs available);2) leave unresolved the disregarded Health & Safety and Fire Assessment conditions required by Camden Council and by insurers for A3 premises;- first notified to Coffee Blooms in May 2015 by Camden Health & Safety Inspector Sayer Galib (Sayer.Galib@camden.gov.uk, 25/5/15) at the residents' request;- fire prevention was further assessed as still being deficient in November 2016 (copy available, by Saluum, 5/8/16) and is still not fully implemented; again, this Fire Assessment was made at the residents' insistence, like the H&S inspection;- compliance with these statutory obligations must be a condition for even considering such an application; for example, in May 2015, after six months of cooking on the premises, there were still no fire extinguishers and there were problems with food handling. Mr. Galib confirmed;3) alter the character of a residential street with principally day-time retail premises in the Bloomsbury

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					<p>Conservation Area;</p> <p>4) confirm the temporary change of use that was granted with no notification or consultation and with no acknowledgement of objections that were submitted, thus encroaching on our private life with cooking smells and with noise from a chiller-cabinet, from music, from early-morning deliveries and from tables and chairs being moved around before opening hours.</p> <p>A revised A3 application would be acceptable only with the following conditions on the nature and opening hours in these premises. These conditions appear acceptable to the owner, from details in part of the technical details in her application for ventilation equipment and from an email to the other resident and joint freeholder, Jenny Stevinson, and to me: on 16 November 2016, the applicant Candela Kusack wrote: "my plan is to continue trading exactly as I have been doing for almost 2 years." The current business is described in her application in Kitchen Specification - Coffee Blooms.pdf, p.6, quoted as follows, with my notes in square brackets:</p> <ul style="list-style-type: none">• The methods of preparation and cooking. Light cooking [N.B. in practice, this means no flames or deep-frying]• The types of meals served. Café products, cooked breakfast and pastries• Proposed hours of operation 07:00 - 18:00 [N.B. current hours are 0800-1830 and should be kept as such] <p>THEREFORE: THE FOLLOWING SIX CONDITIONS MUST BE IMPOSED FOR SUCH AN APPLICATION TO BE ACCEPTABLE:</p> <ul style="list-style-type: none">• OPENING DAYS MONDAY TO SATURDAY: this restriction on days should be added, to maintain current practice.• OPENING HOURS 0800-1830, Mon.-Sat.: they currently open at 0800 but start smelly cooking and noisy work and deliveries around 0630 (photographs available), so opening at 0700 would lead to noise and smells even earlier.• SILENCE BEFORE AND AFTER OPENING TIMES.• NO MUSIC ON SATURDAYS: we currently have music all day long, rising through our floor from speakers in the café's ceiling and affecting my work and privacy; we should at least be spared the noise on Saturday.• FULL AND DEMONSTRATED COMPLIANCE WITH ALL HEALTH & SAFETY AND FIRE REGULATIONS AND REQUIREMENTS, as specified by Camden Council H&S Inspector Sayer Galib (Sayer.Galib@camden.gov.uk) on 25/5/15 and by a Fire Risk Assessment drawn up for the applicant by Salvum, dated 5/8/16 (copy available).• SILENT FILTERS FOR COOKING SMELLS <p>We the residents have strong grounds for fearing the expansion of the business and the problems arising from ignoring the regulations. Our fears about extended hours, noise and drinking on outside tables until 2230h, with late-night and noisy bottle-collection (photos available at 01.30h), are supported by the temporary A3 licensee La Gourmandina, 57 Lamb's Conduit St., which was a day-time delicatessen and now functions as a restaurant with alcohol and outside seating. Our fears are also based on the history of our neighbours' three-year campaign to shut down the illegally-operating Thai Candle restaurant across the road at no.38, which did not comply with basic Health & Safety or</p>

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Fire regulations and had illegal ventilation projecting into a private space, so we need conditions imposed at the beginning. We are happy for Coffee Blooms to continue business largely as it is, as long as it meets its statutory obligations in the Fire Risk Assessment and on Health & Safety, but we are very worried about future use.

CONCLUSION
TO ACCEPT THIS OR A FUTURE APPLICATION FOR THE A3 USE ONLY, WE REQUIRE ALL SIX CONDITIONS GIVEN ABOVE TO BE IMPOSED EXPLICITLY BY THE PLANNING DEPARTMENT. FOR THE VENTILATION MACHINERY WE REQUIRE REJECTION OF THE APPLICATION, WITH THE CONDITION OF A FULL IMPACT ASSESSMENT FOR RE-SUBMISSION.

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