
From: Ingrid Bethell [REDACTED]
Sent: 24 April 2017 13:39
To: Diver, John
Cc: [REDACTED]
Subject: 51 Fairfax Road App ref 2017/1755/P-Objection

Dear Mr Diver

I set out below our objection to the discharge of conditions relating to the above property.

For the brief time the restaurant has been open we have been constantly disturbed by late night cooking, on some occasions until 12.30 midnight, noisy staff in the kitchen and noisy staff taking breaks on the fire escape stairs at the rear close to our home. The rear windows are constantly left open-even when they are shut the big rear windows are only single glazed and very thin. The rear door is also left open. We can hear the customers and staff inside, as well as the noise from their internal flue/fan/plant. The flue on the rear elevation makes a really strange disturbing noise. Even with all our windows shut it is impossible to escape from the noise. Bin collections have been taking place around 5am most mornings which is incredibly noisy and wakes up all the residents.

The owner of the restaurant seems to have little regard for the residents, which is disappointing as he owns another restaurant in Golders Green and is no doubt aware of the negative impact of restaurants on residents in terms of noise nuisance, disturbing flues and plant, noisy kitchen staff and noisy customers. He has so far not complied with any conditions despite being fully aware of the conditions imposed by Alex Bushell the planning officer, following the Development Control Committee meeting two years ago !

We refer below specifically to the conditions the operator is looking to discharge:-

1) Condition 5 - Only the small kitchen windows have been double glazed and covered with paper. The large rear and side rear windows remain single glazed.

If these are going to remain open, the double glazing will not protect the residents from noise !

2) Condition 9 - The cooking has produced some very strong unpleasant odours even if the cooking is high end !! Paragraph 7 refers to the installation of a modern integrated air extraction flue on the rear elevation. Are they proposing to fit more plant ? The existing flue is noisy and emits unpleasant odours. The restaurant has been rammed with customers, far greater than 30 covers. How will Camden monitor this ? Paragraph 8 states that the extract would be turned off during the evening hours. The staff have been cooking until after midnight with the flue in full operation. What is their definition of evening hours ?! These conditions cannot be discharged.

3) Condition 10 - The fan motor is supposed to be located internally in accordance with the consent to minimise disturbance to residents. At this stage it will be impossible to know if these proposed anti-vibration measures will have any effect and therefore the condition cannot be discharged. Is it likely that a cleaning maintenance programme will be adhered to ? How will this be policed ?

4) Conditions 11 and 13 - We dispute the operator's background noise level readings. Please see attached documents which sets out the background noise levels previously taken. The daytime reading of 43db (A) accords with Camden's own reading (taken by Maya Rhodes from Environmental Health). The nighttime reading was 35 db (A). Fairfax Place is a very quiet residential street with no through traffic. In the evening, the service road and surrounding area are completely quiet. Camden need to take their own readings as the operator's readings were taken with a microphone attached to their rear window. People were inside the restaurant at the time. The refurbishment of 47 Fairfax Road all week no doubt also skewed the reading, with constant drilling and banging. An illegal air con unit at the back of no 41 was also left running during the night. This was previously disconnected by

Camden's enforcement officer, Joanne Stowell. The planning consent for the subject property has applied strict noise criteria of 15 db (A) below the background noise level. It is therefore very important that the real background noise levels are used in the calculations. Camden must take and rely on their own readings.

In December 2012, an air con unit at the rear of no 51 Fairfax Road in the service road was refused consent by Camden, because it did not meet the standard 10 db (A) below noise criteria. See the attachments and noise report from Clement Acoustics who carried out the background noise measurements. We feel it is extremely unlikely that the operator's flue and associated plant will be able to meet the stricter noise criteria of 15 db (A) below the existing background noise. Obviously by providing a very high background reading, this will make it easier to meet the criteria.

<http://camdocs.camden.gov.uk/HPRMWebDrawer/Record/3015239/file/document?inline>

<http://camdocs.camden.gov.uk/HPRMWebDrawer/Record/2993176/file/document?inline>

<http://camdocs.camden.gov.uk/HPRMWebDrawer/Record/2993142/file/document?inline>

We feel that none of these conditions can be discharged without Camden carrying out their own measurements and investigations. Even if they are discharged, will the premises be closed and the staff off the premises by 9pm ?

We live only 6 metres from the subject property and have a young disabled child who goes to sleep at 7pm. We have lived in our home for 17 years and feel that we should be able to open our windows, particularly in the summer months and be able to have quiet enjoyment of our home, without constant noise and disturbance from 5am until midnight from the restaurant every day. Our lives are immensely stressful. We would like to have some peace in our home.

Thank you
Kind regards
Ingrid and Gordon Bethell