

From: Phillip Taylor <PTaylor@planningresolution.co.uk>

Sent: 04 November 2019 16:09

To: Quigley, Elaine <Elaine.Quigley@camden.gov.uk>

Subject: RE: 35-37 Fairfax Road (2019/4826/P)

Dear Elaine

On the comments made by local residents to date, I can offer the following information in response having just met with the applicant last Friday to discuss this. I also took a few photographs on Friday (see below) to help illustrate some of our points.

Air Conditioning Units

The application property has a single existing air conditioning condenser, located in a recessed position within the gated servicing area at lower ground floor level. This area also houses another condenser unit used by unit No.33 (the flooring shop) located next door.

This A/C plant will be used by the applicants. No physical changes are proposed as part of the occupation of the 35-37 unit in terms of plant or air handling.

There is no evidence to suggest that the existing A/C plant is operating noisily or harming residential amenity. I believe that historically some of the condenser units externally mounted on the rear elevation of the building have caused problems for nearby residents, but no such complaints have been upheld for plant located inside the gated areas.



Rear Servicing Area - Rubbish/Refuse storage and collections

The existing gated service bay contains bins and recycling vessels. As you can see from the photograph taken today, this service yard is kept immaculately clean by all occupiers, including the applicants existing operation (visible in the background) at No.47. Accusation of rubbish being dumped are completely unfounded. If anything, the application property offers more capacity for efficient and tidy refuse/recycling storage, in preparation for collection by the Council refuse wagons.

Fairfax Place included this established servicing road, which is used by all manner of delivery vehicles, refuse wagons and domestic parking. The notion that it is solely a residential cul-de-sac, with no passing traffic is a misconception – it is an active working servicing area for the commercial properties on Fairfax Road, and with that it should be expected that there will be comings and goings of commercial vehicles and the movement of goods and people in this area. In this context, it would be unnecessary and unreasonable to impose onerous restrictions on servicing or refuse collections, when there is no evidence of any harm or disturbance being caused.

It should also be noted that this rear entrance is not used by visitors to the application site. There no parking, other than for residents of Fairfax Place, and all visitors use the front door on the Fairfax Road frontage.



Opening Hours

The applicant's existing operation at No.47 is well established and well run. There is no history of noise complaints lodged with the Environmental Health Department. The Chabad Lubavitch group should not, therefore, be labelled as a problematic or noisy user on Fairfax Road. Fairfax Road is a bustling vibrant commercial area, with a number of 24hr shops, busy restaurants, as well as a private gym, which enjoys long operating hours. That said, the applicant is conscious of the residential occupiers on the floors above the commercial units and located to the rear on Fairfax Place. The Rabbi has always made himself available to members of the local community to enable discussion of any issues.

Furthermore, the existing operation at No.47 has operated discreetly without complaint for over 7 years. Over that period, the premises have generally been open from 8am to 8pm, with very occasional later evenings (perhaps one a week - typically on either Wednesdays or Saturdays), when it would be open until 10.30pm. This late opening coincides with the longer summer evenings when the sun is only going down at around 10pm. During the winter months, with far earlier sundown, there is clearly less need for later opening.

The applicant wishes to assert how the nature of their use of the Fairfax Road premises (both existing and proposed units) is neither noisy nor disruptive. Furthermore, the later operations are

the exception to operating hours that would be typical of any shopping parade in the borough – especially one containing multiple restaurants and 24hr convenience shops.

The applicant would not resist reasonable restrictions to operating hours being made, provided they take into account the mixed commercial character of the location and the nature of their existing/proposed community-based activities. Such activities, as set out in the planning application, consist of meetings, classes, talks and seminars that run through the day and often during post-work hours – i.e. after 6pm. In the same way that a community hall or centre would be used for night classes, sports or meetings after work, the proposed use requires *flexible* opening hours to allow for activity after normal working hours.

As such and having discussed the comments made by local residents with the applicant, we feel it would be reasonable and appropriate to request the following **maximum** opening hours. I think it's important to reassert that the proposed use would not be operating to the limits of these hours on a daily basis – see the typical hours in the first column below. The longer operating hours would be infrequent and not necessarily repeating on a week-to-week basis.

	Typical Operating hours	Requested Maximum Opening Hours
Monday to Friday	08:30 -19:00	08:00 – 22:30
Saturday	08:00 – 20:00	08:00 – 22:00
Sunday	09:00 – 14:00	09:00 – 18:00

I would welcome your thoughts on the above.

Kind regards,

Phillip

Phillip Taylor
Senior Associate

Office: 0203 151 1626
Mobile: 07941 295 190

www.planningresolution.co.uk

