

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990**  
**(as amended by the Planning and Compensation Act 1991)**

**BREACH OF CONDITION NOTICE**

**SERVED BY: LONDON BOROUGH OF CAMDEN ("the Council")**

**TO: Zaha Grill**  
**37 Theobald's Road**  
**London**  
**WC1X 8SP**

**1. THIS NOTICE** is served by the Council under section 187A of the above Act, because they consider that a condition imposed on a grant of planning permission, relating to the land described in paragraph 2 below, has not been complied with. The Council consider that you should be required to comply with the conditions specified in this Notice. The Annex at the end of this notice contains important additional information.

**2. THE LAND TO WHICH THE NOTICE RELATES**

Land at: **ZAHA GRILL 37 THEOBALD'S ROAD LONDON WC1X 8SP** shown edged black on the attached plan.

**3. THE RELEVANT PLANNING PERMISSION**

**The relevant Planning Permission to which this Notice relates is the planning permission** Ref: 2014/6674/P Change of use of front part of the ground floor from retail (Class A1) to restaurant use (Class A3) in association with self-containment of the ground and basement floors, alteration of existing ground floor roof lights and installation of extract duct to rear elevation.

**4. THE BREACH OF CONDITION**

The following condition has not been complied with:

**Condition 4** of the planning permission namely: Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).

**Condition 5** of the planning permission namely: Prior to commencement of any hot food cooking, odour & fume control and associated plant equipment shall be installed in accordance with the approved details and fitted with the noise and vibration attenuation

measures recommended in report ref: 3204-R1. All such measures shall thereafter be retained and maintained in accordance with the manufacturers' recommendations.

**The condition has been breached in that:**

1. The extract duct has not been installed in accordance with the planning permission granted and has impacted on existing residential amenity by way of noise nuisance and is thereby contrary to policy A1 (Managing the impact of development) and policy D4 (Noise and vibration) of Camden's Local Plan 2017

**5. WHAT YOU ARE REQUIRED TO DO**

As the person responsible for the breach(es) of condition specified in Paragraph 4 of this Notice, you are required to comply with the stated conditions by taking the following steps:-

1. Make the extract duct located on the rear of the property comply with the details as approved for the planning permission granted on 22/07/2015 under reference 2014/6674/P and shown on drawing no: 140905-02-P; and
2. Ensure that the extract duct is fitted with the attenuation measures as approved, namely, that it is fitted with the noise and vibration attenuation measures recommended in report ref: 3204-R1

**Period for compliance:-**

**Thirty (30) days** from the receipt of this notice.

**6. WHEN THIS NOTICE TAKES EFFECT.**

This notice takes effect immediately it is served on you or you receive it by postal delivery.

Dated: **18 July 2023**



(Signed).....

**Chief Planning Officer, Supporting Communities on behalf of the London Borough of Camden, Town Hall, Judd Street, London WC1H 8JE**

**ANNEX**

**WARNING**

**THIS NOTICE TAKES IMMEDIATE EFFECT ONCE IT IS SERVED ON YOU IN PERSON OR ON THE DAY YOU RECEIVED IT BY POST.**

**THERE IS NO RIGHT OF APPEAL TO THE SECRETARY OF STATE FOR THE ENVIRONMENT AGAINST THIS NOTICE.**

It is an offence to contravene the requirements stated in paragraph 5 of this notice after the end of the compliance period. You will then be at risk of immediate prosecution in the Magistrates' Court, for which the maximum penalty is £2,500 for a first offence and for any subsequent offence. If you are in doubt about what this notice requires you to do, you should get in touch immediately with the Council's nominated office to deal with enquiries:

Angela Ryan  
angela.ryan@camden.gov.uk  
0207-974-3236

Appeals and enforcement  
Supporting Communities  
Regeneration and Planning  
Development Management  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE

If you need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the Notice, you may only do so by an application to the High Court for judicial review.

**DO NOT LEAVE YOUR RESPONSE TO THE LAST MINUTE.**

## Explanatory Note

Section 187A of the Town & Country Planning Act 1990 Breach of Condition Notices states:

"Section 187A. Enforcement of Conditions.

(1) This section applies where planning permission for carrying out any development of land has been granted subject to conditions.

(2) The local planning authority may, if any of the conditions is not complied with, serve a notice (in this Act referred to as a 'breach of condition notice' on -

(a) any person who is carrying out or has carried out the development ; or

(b) any person having control of the land,

requiring him to secure compliance with such of the conditions as are specified in the notice.

(3) References in this section to the person responsible are to the person on whom the breach of condition notice has been served.

(4) The conditions which may be specified in a notice served by virtue of subsection (2) () are any of the conditions regulating the use of the land.

(5) A breach of condition notice shall specify the steps which the authority consider ought to be taken, or the activities which the authority consider ought to cease, to secure compliance with the conditions specified in the notice.

(6) The authority may be notice served on the person responsible withdraw the breach of condition notice, but its withdrawal shall not affect the power to serve on him a further breach of condition notice in respect of the conditions specified in the earlier notice or any other conditions.

(7) The period allowed for compliance with the notice is -

(a) such period of not less than twenty-eight days beginning with the date of service of the notice as may be specified in the notice ; or

(b) the period as extended by a further notice served by the local planning authority on the person responsible.

(8) If, at any time after the end of the period allowed for compliance with the notice

(a) any of the conditions specified in the notice is not complied with; and

(b) the steps specified in the notice have not been taken or, as the case may be, the activities specified in the notice have not ceased,

the person responsible is in breach of the notice.

(9) If the person responsible is in breach of the notice he shall be guilty of an offence.

(10) An offence under subsection (9) may be charged by reference to any day or longer period of time and a person may be convicted of a second or subsequent offence under that subsection by reference to any period of time following the preceding conviction for such an offence.

(11) It shall be a defence for a person charged with an offence under subsection (9) to prove -

(a) that he took all reasonable measures to secure compliance with the conditions specified in the notice ; or

(b) where the notice was served on him by virtue of subsection (2) (), that he no longer had control of the land.

(12) A person who is guilty of an offence under subsection (9) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(13) In this section -

(a) 'conditions' includes limitations; and

(b) references to carrying out any development include causing or permitting another to do so).



# Conway Hall



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