

THE LONDON BOROUGH OF CAMDEN
TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
ENFORCEMENT NOTICE

**OF 31 - 35 Fortune Green Road,
London,
NW6 1DU**

1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to them that there has been a breach of planning control, under Section 171 A (1) (a) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Explanatory Note at the end of the Notice and the enclosures to which it refers contain important additional information.

2. **THE LAND AFFECTED**

Land at: 31 - 35 Fortune Green Road, London, NW6 1DU
as shown, for the purposes of identification only, outlined in black on the attached plan.

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

Without Planning Permission: The unauthorised change of use from retail unit operating within the A1 use class to motorcycle showroom/sales operating within a sui generis use class

4. **REASONS FOR ISSUING THIS NOTICE:**

- a) It appears to the Council that the above breach of planning control has occurred within the last 4 years.
- b) The display of motorcycles on the front forecourt detracts from the amenity of the property, the wider streetscene and the neighbouring Fortune Green public open space contrary to policies CS5- Managing the impact of growth and development & CS14- Promoting high quality places and conserving our heritage of Camden's Core strategy 2010 and policies DP24-Securing high quality design, DP25-Conserving Camden's heritage & DP26-

managing the impact of development on occupiers and neighbours of the Camden Local Development Framework 2010.

- c) The use of the premises for the sale of motorcycles and the ancillary uses of motorcycle maintenance and repair results in the loss of amenity to neighbouring residential occupiers through noise and fume nuisance contrary to policy CS5-Managing the impact of growth and development of Camden's core strategy 2010 and policies DP-26 Managing the impact of development on occupiers and neighbours & DP28-Noise and vibration of the Council's Local Development Framework 2010.

The Council do not consider that planning permission should be given because planning conditions could not overcome these problems.

5. WHAT YOU ARE REQUIRED TO DO

Within a period of **one month** of the Notice taking effect:

Cease the use as a motor cycle showroom/sales

Or

Cease displaying or storing motorcycles on the forecourt area at the front of the premises;

and

On the premises no process shall be carried on or machinery operated in a manner that could be detrimental to the amenity of nearby residents. Noise, vibration, smell, fumes, smoke, soot, ash, dust or grit generated at your premises must not intrude into the homes of local residents. No noise from either machinery or motorcycles shall exceed 10dB(A) <LA90 above the lowest recorded background noise.

and

No sound emanating from the use of the premises shall be audible within any adjoining premises, including the rear gardens, otherwise than between the hours of 9.30am to 6.00pm Monday to Friday and 9.30am to 1.00pm on Saturdays. No sound shall be audible at any time on Sundays or bank Holidays.

and

The use of the premises as motorcycle showroom/sales shall not operate otherwise than between the hours of 9.30am to 6.00pm

Council reference: EN14/0156

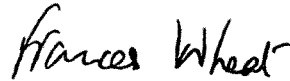
Monday to Saturday. The use shall not operate at any time on Sundays or bank Holidays.

and

The use of the premises as motorcycle showroom/sales shall cease when the current occupiers, 'Capital City Motorcycles Ltd' vacate the premises at which time the property shall revert to its lawful use which is A1/retail.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **4 September 2014** unless an appeal is made against it beforehand.



DATED: 24 July 2014

Signed.....

Head of service, Development Management, Culture and Environment on behalf of the London Borough of Camden, Town Hall, Judd Street, London WC1H 9LP

Note Pursuant to Regulation 5 of the Town and Country (Enforcement Notices and Appeals) (England) Regulations 2002

If you appeal against the notice on Ground (a) "That planning permission should be granted for what is alleged in the enforcement notice, or that the condition which is alleged not to have been complied with should be discharged" there is a fee payable under Regulation 10 of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012/No.2920 for the deemed application for the planning permission for the development alleged to be in breach of planning control in the enforcement notice.

The fee is payable twice to the "London Borough of Camden", as the Local Planning Authority.

If you wish to appeal under Ground (a), the fee payable to the "London Borough of Camden" should accompany the copy of the appeal form sent to the Council at the following address:

Culture and Environment Department, Planning Services, London Borough of Camden, Argyle Street, London WC1H 8EQ.

The fee is £385.00.

The TOTAL FEE payable is £770.00 (i.e. £385.00 x 2)

ANNEX

YOUR RIGHT OF APPEAL

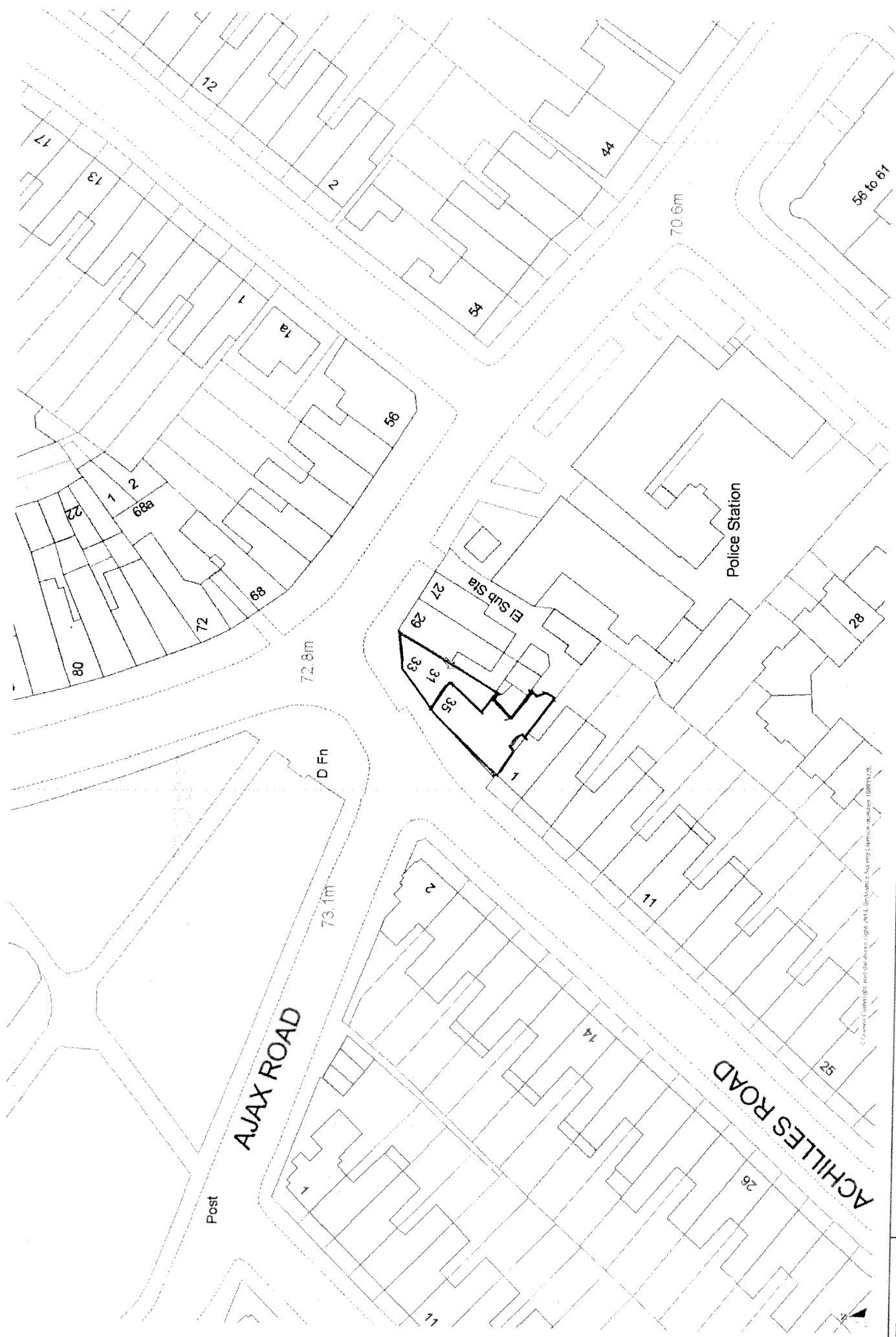
You can appeal against this notice, but any appeal must be received or posted in time to be received by the Secretary of State before **4 September 2014**.

- (a) Send a copy of your appeal to the Secretary of State if you decide to appeal, together with a copy of this enforcement notice.
- (b) Send a second copy of the appeal form and notice to the Council at:

**Planning Services
Culture and Environment Department
London Borough of Camden
Town hall
Argyle Street
London WC1H 8EQ**

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on **4 September 2014**, and you must then ensure that the required steps for complying with it, for which you may held responsible, are taken within the period specified in the notice. Failure to comply with an enforcement notice, which has taken effect, can result in prosecution and/or remedial action by the Council.



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31-35 Fortune Green Road

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Punjabi
ਜ਼ਰੂਰੀ: ਇਹ ਫਾਰਮ ਸਾਡੇ ਕੋਲ ਭੇਜਣ ਲਈ ਖਾਸ ਮਿਆਦ ਹੈ। ਇਸ ਮਿਆਦ ਦਾ ਸਮਾਂ ਪੂਰਾ ਹੋ ਜਾਣ ਤੋਂ ਪਹਿਲਾਂ ਇਹ ਫਾਰਮ ਸਾਡੇ ਕੋਲ ਲਾਜ਼ਮੀ ਤੌਰ ਤੇ ਪਹੁੰਚ ਜਾਣਾ ਚਾਹੀਦਾ ਹੈ। ਜੇ ਤੁਹਾਨੂੰ ਇਹ ਫਾਰਮ ਭਰਨ ਲਈ ਮਦਦ ਦੀ ਲੋੜ ਹੈ, ਤਾਂ ਅਸੀਂ ਤੁਹਾਨੂੰ ਸੁਝਾਉਂਦੇ ਹਾਂ ਕਿ ਤੁਸੀਂ ਇਹਦੇ ਬਾਰੇ ਕਿਸੇ ਤੋਂ ਸਲਾਹ ਲਓ।

Gujarati
મહત્વનું : અમને આ ફોર્મ મોકલવા માટે સમય મર્યાદા છે. આ સમય મર્યાદા પૂરી થાય તે પહેલાં અમને તે મળી જવું જ જોઈએ. જો તમને આ ફોર્મ ભરવા માટે મદદની જરૂર હોય તો અમે તમને સલાહ મેળવવાનું સૂચન કરીએ છીએ.

Hindi
आवश्यक : इस फॉर्म को हमारे पास भिजवाने की एक समय-सीमा है। उस समय-सीमा के बीतने से पहले हमें यह फॉर्म अवश्य मिल जाना चाहिए। यदि आपको इस फॉर्म को भरने में सहायता चाहिए, तो हमारा सुझाव है कि आप किसी की सलाह लें। -

Urdu
اہم: اس فارم کو بھیجنے کے لئے وقت کی ایک معیاد ہے۔ اس معیاد کے گزرنے سے پہلے پہلے ہمیں یہ لازمی طور پر مل جانا چاہیے۔ اگر اس فارم کو بھرنے میں آپ کو مدد کی ضرورت ہے تو ہماری رائے ہے کہ آپ مشورہ حاصل کریں۔

Bengali
জরুরী: এই ফর্ম আমাদের কাছে পাঠানোর একটা সময়সীমা আছে। এই সময়সীমা শেষ হবার আগেই এটা অবশ্যই আমাদের কাছে পৌঁছাতে হবে। এই ফর্ম পূরণ করায় যদি আপনার সাহায্যের দরকার হয় তাহলে আমাদের পুস্তাব, কারো পরামর্শ নিন।

Chinese
重要通知: 把這份表格寄回給我們是有時間限制的。我們必須在時限過期之前收到這份表格。假若你需要別人幫助你填寫這份表格, 我們建議你尋求指導。

English
IMPORTANT: There is a time limit for sending this form to us. We must receive it before the time expires. If you need help filling in this form, we suggest you get advice.

