

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

**OF 43 South End Road
London
NW3 2PY**

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: 43 South End Road, London, NW3 2PY

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: Failure to comply with condition 2 of the planning permission granted 06/02/2003 reference number PWX0202731, namely;

The use hereby permitted shall not begin until full details of the scheme for the ventilation of and the extraction of fumes from the premises to an adequate outlet level, including details of sound attenuation for any necessary plant have been submitted to and approved by the Council and the development shall not be carried out otherwise than in accordance with any approval given.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies ER2, EN1, EN6 and SH18 of the London Borough of Camden Unitary Development Plan 2000.

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

- a) It appears to the Council that the above breach of planning control has occurred within the last 10 years:
- b) That the current fume extract and ventilation system causes a loss of amenity through odour and noise nuisance to neighboring residential occupiers contrary to policy Core Strategy policy CS5 - Managing the impact of growth and development

Council reference: EN12/0603

and development policies DP12 - Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses and DP26 - Managing the impact of development on occupiers and neighbours of the London Borough of Camden 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

The Notice shall require that within a period of **one month** of the Notice taking effect:

- (a) To cease the use of the property as a restaurant (Class A3) unless and until:
 - (i) a scheme detailing ventilation and the extraction of fumes from the premises including details of sound attenuation for any necessary plant has been submitted to the Council for its approval within one month from the date on which the Notice takes effect and subsequently is approved by the Council (as evidenced in writing); and
 - (ii) the scheme approved pursuant to paragraph (i) has been installed and implemented to the satisfaction of the Council within **one month** of the approval; and
 - (iii) the scheme approved pursuant to paragraph (i) and installed and implemented pursuant to paragraph (ii) is retained and maintained in effective operational order and is operating to the Council's satisfaction".

Compliance due date: 21 February 2013

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **21 January 2013** unless an appeal is made against it beforehand.

DATED: 10 December 2012

Signed.....



Head of Legal Services, on behalf of the London Borough of
Camden, Town Hall, Judd Street, London WC1H 9LP.