

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

**TO     The Jewish Museum London**

**OF     The Jewish Museum London  
      129 - 131 Albert Street  
      London  
      NW1 7NB**

1.     **THIS IS A FORMAL NOTICE** which is issued by the Council, under Section 187A (2) of the above Act, because they consider that a condition imposed on a grant of planning permission, relating to the land described below, has not been complied with. They consider that you should be required to comply with the condition specified in this notice.

2.     **THE LAND AFFECTED**

**Land at:**       129 Albert Street, London, NW1 7NB

as shown, for the purposes of identification only, outlined in black on the attached plan.

3.     **THE RELEVANT PLANNING PERMISSION**

The permission granted by the Council on 3 February 2011 for installation of boiler flue to the rear of existing non-residential premises (Class D1)

**Reference:**     2010/4347/P

A copy of the relevant Planning Permission is attached.

4.     **THE BREACH OF CONDITION**

The following condition(s) have not been complied with:

**Condition:**     4

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).

Reason: To safeguard the amenities of the adjoining premises and the area generally, in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and

DP28 of the London Borough of Camden Local Development Framework Development Policies.

The condition has been breached in that: **The plant is not operating at 5 dB(A) below background noise level in breach of Condition 4.**

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

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

**Comply with noise criteria in condition 4 so that at a point 1 metre external to sensitive facades the plant/equipment is operating at 5 dB(A) below background noise level when all plant/equipment (or any part of it) is in operation or to remove the plant approved under reference 2010/4347/P.**

**Compliance due date: One month beginning with the day on which the notice is served on you.**

**6. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect **immediately** upon being served on you, or your acquisition of it by postal delivery.

**Dated : 12 June 2012**

**(Signed)** .....



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

**Council reference: EN11/1158**

**WARNING: THERE IS NO RIGHT OF APPEAL 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 £2500.00 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 :

**Case Officer:** Hannah Parker  
**Phone no:** 020 7974 3069

Planning Services  
London Borough of Camden  
Town Hall  
Argyle Street  
London WC1H 8EQ

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. A lawyer will advise you on what this procedure involves.

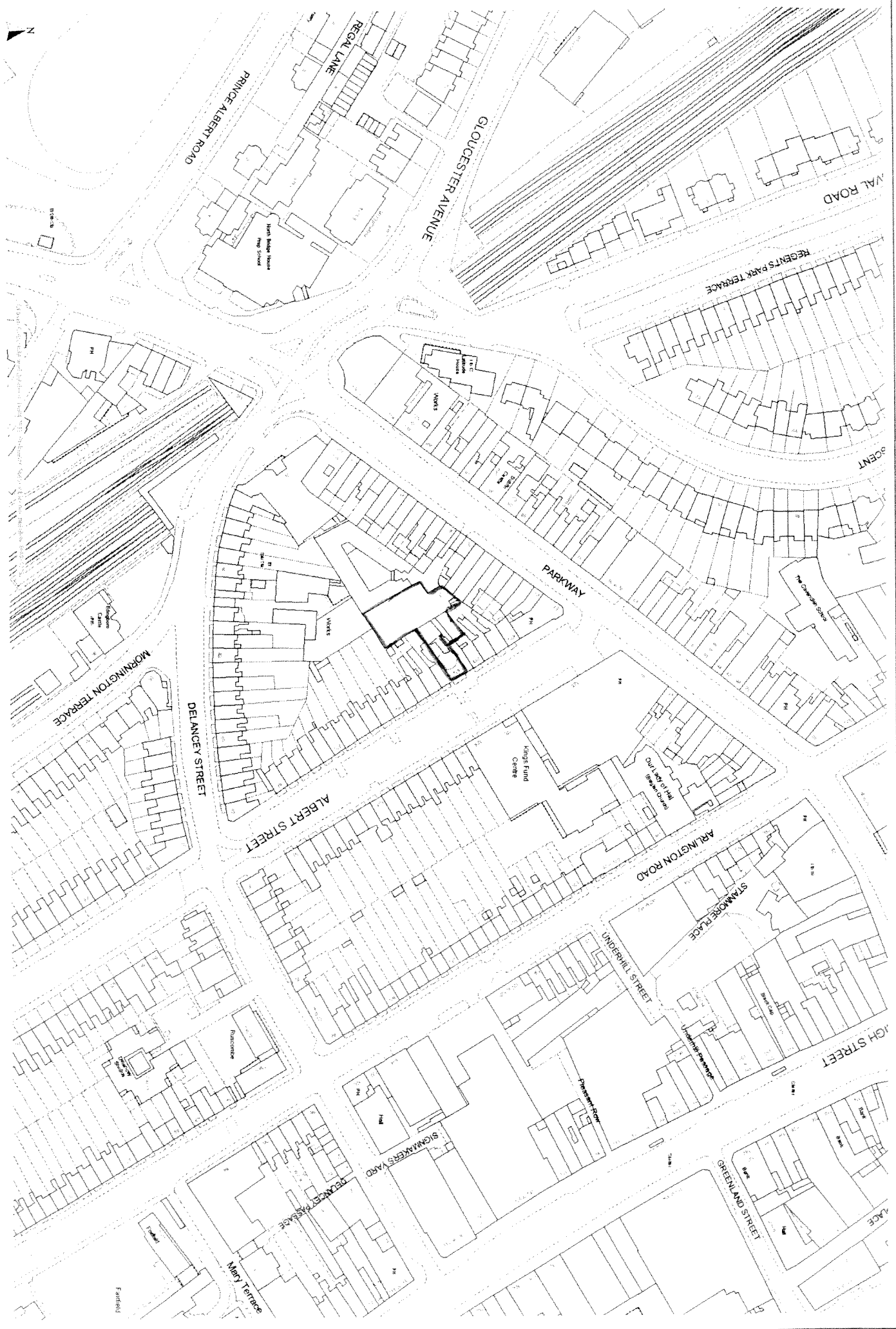
**DO NOT LEAVE YOUR RESPONSE TO THE LAST MINUTE.**

**Explanatory Note**

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

**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)(b) 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 by 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) that 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)(b), 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—
- (a) not exceeding level 4 on the standard scale if the land is in England;
  - (b) not exceeding level 3 on the standard scale if the land is in Wales.
- (13) In this section—
- (a) "conditions" includes limitations; and
  - (b) references to carrying out any development include causing or permitting another to do so.







**Development Control  
Planning Services**  
London Borough of Camden  
Town Hall  
Argyle Street  
London WC1H 8ND

Tel 020 7974 4444  
Fax 020 7974 1680  
Textlink 020 7974 6866

env.devcon@camden.gov.uk  
www.camden.gov.uk/planning

Mr Patrick MacLeod  
27 Horsell Road  
London  
N5 1XL

Application Ref: **2010/4347/P**  
Please ask for: **Rob Willis**  
Telephone: 020 7974 **6805**

3 February 2011

Dear Sir/Madam

## **DECISION**

Town and Country Planning Acts 1990 (as amended)  
Town and Country Planning (General Development Procedure) Order 1995  
Town and Country Planning (Applications) Regulations 1988

### **Full Planning Permission Granted**

Address:  
**129 Albert Street**  
**London**  
**NW1 7NB**

Proposal:  
Installation of boiler flue to the rear elevation of existing non residential premises (Class D1).

Drawing Nos: Site Location Plan; JM (03) 07; JM (03) 29 Rev M; 2578.ME.108; 2578.ME.109 Rev A; Acoustic Summary Report (Sandy Brown associates LLP 04 December 2009); Manufacturer's data sheet - JM Bifurcated Cased Fans (FlaktWoods)

The Council has considered your application and decided to grant permission subject to the following conditions:

#### **Conditions and Reasons:**

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and



Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; JM (03) 07; JM (03) 29 Rev M; 2578.ME.108; 2578.ME.109 Rev A; Acoustic Summary Report (Sandy Brown associates LLP 04 December 2009); Manufacturer's data sheet - JM Bifurcated Cased Fans (FlaktWoods).

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 4 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).

Reason: To safeguard the amenities of the adjoining premises and the area generally, in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 5 Anti-vibration mounts shall be attached to the proposed flue dilation system where it meets the parapet wall.

Reason: To prevent the transmission of noise and vibration and to safeguard the amenities of the adjoining premises and the area generally, in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

#### Informatives:

- 1 Reasons for granting permission.

The proposed development is in general accordance with the London Borough of



Camden Local Development Framework Core Strategy, with particular regard to policies CS5 (Managing the impact of growth and development) and CS14 (Promoting high quality places and conserving our heritage); and the London Borough of Camden Local Development Framework Development Policies, with particular regard to policies DP24 (Securing high quality design), DP25 (Conserving Camden's heritage), DP26 (Managing the impact of development on occupiers and neighbours) and DP28 (Noise and vibration). For a more detailed understanding of the reasons for the granting of this planning permission, please refer to the officers' report.

- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 2363).
- 3 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Planning and Public Protection Division (Compliance and Enforcement Team), Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 5613 or by email [ppp@camden.gov.uk](mailto:ppp@camden.gov.uk) or on the website [www.camden.gov.uk/pollution](http://www.camden.gov.uk/pollution)) or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 4 Camden's Planning Enforcement team has been advised of the approval of this planning application. You are advised to remove the existing, unauthorised flue and replace it with the proposed flue (as approved in this decision notice) as soon as reasonably practicable, in order to avoid further enforcement investigation.

**Disclaimer**

***This is an internet copy for information purposes. If you require a copy of the signed original please contact the Culture and Environment Department on (020) 7974 5613***



## 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 ہمیں 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 প্রস্তাব, 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.

