

13

SITE NOTICE STATING STOP NOTICE SERVED

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED BY THE PLANNING AND
COMPENSATION ACT 1991)**

TO WHOM IT MAY CONCERN

RE: 13 HEATH STREET, LONDON NW3

The London Borough of Camden have served a Stop Notice prohibiting from the date on which the notice takes effect the operation of air handling equipment comprising air intake, and extract ducts and three air conditioning condenser units, on the roof of the ground floor level rear extension of the premises.

WHEREAS

1. The Stop Notice relates to land situate at **13 Heath Street, London NW3** shown edged black on the attached plan.
2. The Stop Notice takes effect on 15th March 1996 (i.e. tomorrow).
3. The Stop Notice requires that all relevant activity required by the attached Enforcement Notice to cease (that is the operation of air handling equipment comprising air intake, and extract ducts and three air conditioning condenser units, on the roof of the ground floor level rear extension of the premises) shall cease before (that is by 15th March 1996) the period otherwise allowed for compliance with the requirements of the Enforcement Notice.

TAKE NOTICE that any person contravening or causing or permitting the contravention of the Stop Notice may be prosecuted for an offence under Section 187(1) of the Town and Country Planning Act 1990 (as amended).

Dated 14th March 1996

(Signed)

Amanda Kelly
Borough Solicitor
on behalf of the London Borough of Camden
Town Hall, Judd Street
London WC1H 9LP

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED BY THE PLANNING AND
COMPENSATION ACT 1991)**

STOP NOTICE

**RE: 13 HEATH STREET, LONDON NW3 ["THE PREMISES"]
ISSUED BY: THE LONDON BOROUGH OF CAMDEN**

**To: Michael Rainer Gresslin and Margaret Marie Elizabeth Felicia
Gresslin and Gresslins Restaurant
and any other parties/persons with an interest in the land
and premises known as 13 Heath Street London NW3, and any
persons engaged in any activity prohibited by this Notice.**

WHEREAS

1. The London Borough of Camden, being the Local Planning Authority for the land to which this notice relates, have issued an Enforcement Notice, dated 14th March 1996, under Section 172 of the Town and Country Planning Act 1990, alleging there has been a breach of Planning Control on the land described in Schedule 1 to this Notice; and
2. The Council consider it expedient that a relevant activity required by the Enforcement Notice to cease should cease before the expiry of the period allowed for compliance with the requirements of the Enforcement Notice.

NOTICE is hereby given that the Council, in exercise of their power in Section 183 of the 1990 Act, now prohibit the carrying out of the activity specified in Schedule 2 to this Notice.

A copy of the related Enforcement Notice, issued under Section 172 of the 1990 Act, is annexed to this Notice. This Notice shall take effect on 15th March 1996 i.e. 1 day after today's date, when all the activity specified in Schedule 2 of this Notice shall cease. In accordance with the provisions of Section 184(3) (as amended) of the Town and Country Planning Act (as amended) the reason why the effective date of this Notice is earlier than 3 days after service is the operation of the unauthorised air handling equipment is causing serious and continuing harm to the amenity of nearby residential occupiers by reason of noise, and this is also the reason for the time limit imposed.

Issued: 14th March 1996

SCHEDULE 1

The land and premises to which this Notice relates comprises land at **13 Heath Street, London NW3** ("the Premises") shown edged in black on the annexed map.

SCHEDULE 2

The activity to which this Notice relates is a breach of Planning Control, consisting of, without Planning permission the operation of air handling equipment comprising air intake, and extract ducts and three air conditioning condenser units, on the roof of the ground floor level rear extension of the premises.

(Signed) 

Amanda Kelly
Borough Solicitor
on behalf of the London Borough of Camden
Town Hall, Judd Street
London WC1H 9LP

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

(as amended by the Planning and Compensation Act 1991)

ENFORCEMENT NOTICE "B"

RE: 13 HEATH STREET, LONDON NW3

ISSUED BY : THE LONDON BOROUGH OF CAMDEN

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.

2. **THE LAND AFFECTED.**

Land and premises at 13 Heath Street London NW3 ("the Premises"). The Premises are 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 installation of air handling equipment, comprising air intake, and extract ducts and three air conditioning condenser units, on the roof of the ground floor level rear extension to the premises.

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 operation of the air handling equipment is causing continuing harm to the amenity of nearby residential occupiers, by reason of noise, and the visual appearance of the air conditioning condenser units is considered detrimental to the character and appearance of the building and the part of the Conservation Area in which it is located.

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**

To remove the three air conditioning units, and a scheme of noise attenuation is to be provided to the air intake and extract ducts that shall cause the level of noise from the plant to remain 5dB(A) below the existing ambient noise levels when measured at a point one metre external to the windows of any neighbouring habitable room.

You are to comply with the above requirements within **two months** of this notice taking effect.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 7th day of May 1996, unless an appeal is made against it beforehand.

DATED: 14th day of March 1996

(Signed).....*Andrew Kelly*.....

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

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 7th day of May 1996. The enclosed booklets **"Enforcement Appeals - A Guide to Procedure"**, sets out your rights. Read them carefully. You may use the enclosed appeal forms. One is for you to send to the Secretary of State if you decide to appeal. The other is for you to keep as a duplicate for your own records. You should also send the Secretary of State the spare copy of this enforcement notice which is enclosed.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on 7th day of May 1996, and you must then ensure that the required steps for complying with it, for which you may be 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.