

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: Fruition Assets Limited, 7 Europa Studios, Victoria Road, London NW10 6ND

1. **THIS NOTICE** is served by the Council under section 187A of the above Act, because they consider that a conditions imposed on a grant of planning permission, relating to the land described in paragraph 2 below, have 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: Carob Tree, 15 Highgate Road, London NW5 1QX
being land shown outlined in black on the attached plan.

3. **THE RELEVANT PLANNING PERMISSION**

The relevant Planning Permission to which this Notice relates is Planning Permission Ref 2011/3819/P dated 30 March 2012.

Description of development:

Change of use of upper floors from ancillary restaurant accommodation (Class A3) to create three (2x2 and 1x3 bed) self-contained flats (Class C3) including rear (south) extensions at first and second floor level and roof extension to create new third floor level with external terrace areas and associated alterations including new entrance on Highgate Road (west) elevation.

4. **THE BREACH OF CONDITION**

The following conditions have not been complied with:

Condition 9: Notwithstanding the details hereby approved and prior to commencement of development, details of the location, design and method of waste storage and removal (including recycled materials) shall be submitted to and approved by the Council and the approved facility shall therefore be provided prior to the first occupation of any of the new residential units and permanently maintained and retained thereafter.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies 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.

Condition 10: Notwithstanding the details hereby approved and prior to commencement of development details of a cycle storage area for a minimum of 4 cycles shall be submitted to and approved by the Council and the approved facility shall therefore be provided prior to the first occupation of any of the new residential units and permanently maintained and retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 (Promoting sustainable and efficient travel) of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 (Walking, cycling and public transport) of the London Borough of Camden Local Development Framework Development Policies

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:-

Within a period of 3 months either:

- 1. To implement the approved waste storage facility and cycle storage facility in accordance with the details (location, design and method) as shown on approved drawing 15HR/PCD/101 Rev D in association with application ref: 2014/3461/P granted on the 07/07/2014.

Or:

- 2. Cease the occupation of the new residential units on first to third floor level.

Period for compliance:-

Three months beginning with the day on which this notice is served on you.

6. WHEN THIS NOTICE TAKES EFFECT.

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

Dated: 27 April 2015



(Signed).....

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

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 :

Case Officer: ***John Sheehy***
Phone no: **0207 974 5649**

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

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

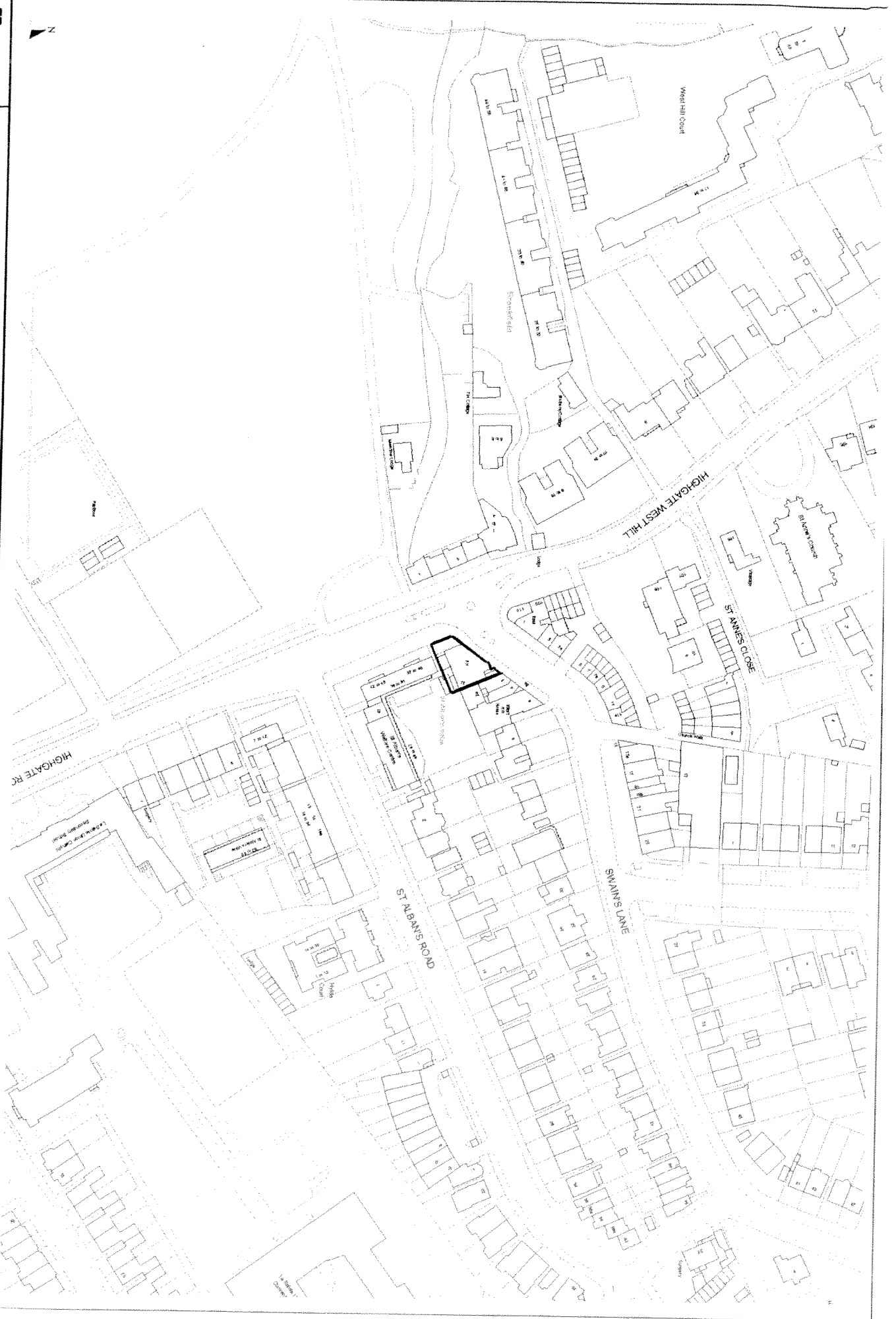
(b) where the notice was served on him by virtue of subsection (2) (), that he no longer had control of the land.

(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).



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Date 30/9/2015

Scale 1:1250

Mr Richard Young
WYLLP
Hamilton House
Mabledon Place
London
WC1H 9BB

Application Ref: **2011/3819/P**
Please ask for: **Jonathan Markwell**
Telephone: 020 7974 **2453**

30 March 2012

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 Subject to a Section 106 Legal Agreement

Address:
Carob Tree Restaurant
Highgate Road
London
NW5 1QX

Proposal:

Change of use of upper floors from ancillary restaurant accommodation (Class A3) to create three (2x2 and 1x3 bed) self-contained flats (Class C3) including rear (south) extensions at first and second floor level and roof extension to create new third floor level with external terrace areas and associated alterations including new entrance on Highgate Road (west) elevation.

Drawing Nos: Site Location Plan; SA/PL/101/02 Rev A; -03 Rev A Location, Ground and Basement Floor Plans as existing; -03 Rev A Existing North West and South Elevations; -04 Rev A; -05 Rev B; -06 Rev F, as received 17/10/2011; -07 Rev F, as received 17/10/2011; -08 Rev F, as received 17/10/2011; -09 Rev D, as received 17/10/2011; -10 Rev D, as received 17/10/2011; -11 Rev D, as received 17/10/2011; -12 Rev C, as received 17/10/2011; -13 Rev E, as received 17/10/2011; -14 Rev D, as received 17/10/2011; -15 Rev B, as received 17/10/2011; -sk01 Rev C, as received 17/10/2011; -16, as received 17/10/2011; -17; -18; -19; -20; -21; Design and Access Statement by Sceptre Associates Ltd, as received 17/10/2011; Letter from Waldrams Chartered Surveyors dated



25/07/2011; Daylight and Sunlight Report Prepared by GIA dated 27/11/2009 Ref 5064
Letter from Hyder Consulting (UK) Limited dated 18/07/2011 Ref: KK/UA007560; Transport
Statement by Hyder Consulting (UK) Limited dated 16/10/2009 Ref CAROB TS-GD07560-
GDR-02.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 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 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 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

- 3 A Sample panel of all new facing materials including brickwork (with a sample demonstrating the proposed brick type, colour, texture, face-bond and pointing) and roof cladding shall be provided on site and approved by the Council before the relevant parts of the works are commenced and the development shall be carried out in accordance with the approval given. The sample panel(s) shall be retained on site until the work has been completed.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

- 4 Prior to the first occupation of the building a plan showing details of the sedum green roof including species, planting density, substrate and a section at scale 1:20 showing that adequate depth is available in terms of the construction and long term viability of the sedum green roof, and a programme for an initial scheme of maintenance shall be submitted to and approved in writing by the local planning authority. The sedum green roof shall be fully provided in accordance with the

approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme of maintenance.

Reason: To ensure that the green roof is suitably designed and maintained in accordance with the requirements of policies CS13 (Tackling climate change through promoting higher environmental standards), CS14 (Promoting high quality places and conserving our heritage) and CS15 (Protecting and improving our parks and open spaces & encouraging biodiversity) of the London Borough of Camden Local Development Framework Core Strategy and policies DP22 (Promoting sustainable design and construction), DP23 (Water) and DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework Development Policies.

- 5 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 facade 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 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 (Managing the impact of development on occupiers and neighbours) and DP28 (Noise and vibration) of the London Borough of Camden Local Development Framework Development Policies.

- 6 The lifetime homes features and facilities, as indicated on the drawings and documents hereby approved shall be provided in their entirety prior to the first occupation of any of the new residential units and shall be permanently maintained and retained thereafter.

Reason: To ensure that the internal layout of the building is acceptable with regards to accessibility by future occupiers and their changing needs over time, in accordance with the requirements of policy CS6 (Providing quality homes) of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 (Lifetime homes and wheelchair homes) of the London Borough of Camden Local Development Framework Development Policies.

- 7 The development hereby permitted shall be carried out in accordance with the following approved plans: SA/PL/101/06 Rev F, as received 17/10/2011; -07 Rev F, as received 17/10/2011; -08 Rev F, as received 17/10/2011; -09 Rev D, as received 17/10/2011; -10 Rev D, as received 17/10/2011; -11 Rev D, as received 17/10/2011; -12 Rev C, as received 17/10/2011; -13 Rev E, as received 17/10/2011; -14 Rev D, as received 17/10/2011; -15 Rev B, as received 17/10/2011; -sk01 Rev C, as received 17/10/2011.

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

- 8 The existing pub 'totem style' sign located on Highgate Road shall be retained and maintained as such in perpetuity following the implementation of this development.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

- 9 Notwithstanding the details hereby approved and prior to commencement of development, details of the location, design and method of waste storage and removal (including recycled materials) shall be submitted to and approved by the Council and the approved facility shall therefore be provided prior to the first occupation of any of the new residential units and permanently maintained and retained thereafter.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies 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.

- 10 Notwithstanding the details hereby approved and prior to commencement of development details of a cycle storage area for a minimum of 4 cycles shall be submitted to and approved by the Council and the approved facility shall therefore be provided prior to the first occupation of any of the new residential units and permanently maintained and retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 (Promoting sustainable and efficient travel) of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 (Walking, cycling and public transport) of the London Borough of Camden Local Development Framework Development Policies.

- 11 Notwithstanding the details hereby approved and prior to the commencement of development, details of the roof terrace including clear annotations of the usable/non usable areas shall be submitted to and approved by the Council. The approved measures associated with the terrace shall be carried out in accordance with the details thus approved and permanently maintained and retained thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises and to ensure a satisfactory external appearance to the premises in accordance with the requirements of policies CS5 and CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24, DP25 and DP26 of the London Borough of Camden Local Development Framework

Development Policies.

Informative(s):

- 1 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).
- 2 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 Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> 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.
- 3 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 4 With regard to condition no. 6 you are advised to look at Camden Planning Guidance for further information and if necessary consult the Access Officer, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 5214) to ensure that the internal layout of the building is acceptable with regards to accessibility by future occupiers and their changing needs over time.
- 5 Your attention is drawn to the need for compliance with the requirements of the Environmental Health regulations, Compliance and Enforcement team, [Regulatory Services] Camden Town Hall, Argyle Street, WC1H 8EQ, (tel: 020 7974 4444) particularly in respect of arrangements for ventilation and the extraction of cooking fumes and smells.
- 6 You are reminded that filled refuse sacks shall not be deposited on the public footpath, or forecourt area until within half an hour of usual collection times. For further information please contact the Council's Environment Services (Rubbish Collection) on 020 7974 6914/5. or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-street-environment-services.en>
- 7 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or

Environment Department (Street Naming & Numbering) Camden Town Hall,
Argyle Street, WC1H 8EQ.

- 8 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 9 The correct street number or number and name must be displayed permanently on the premises in accordance with regulations made under Section 12 of the London Building (Amendments) Act 1939.
- 10 The Council supports schemes for the recycling of bottles and cans and encourages all hotels, restaurants, wine bars and public houses to do so as well. Further information can be obtained by telephoning the Council's Environment Services (Recycling) on 0207 974 6914/5 or on the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>
- 11 Reasons for granting planning permission

The proposed development is in general accordance with the London Borough of Camden Local Development Framework Core Strategy with particular regard to CS1 - Distribution of growth, CS4 - Areas of more limited change, CS5 - Managing the impact of growth and development, CS6 - Providing quality homes, CS7 - Promoting Camden's centres and shops, CS11 - Promoting sustainable and efficient travel, CS13 - Tackling climate change through promoting higher environmental standards, CS14 - Promoting high quality places and conserving our heritage, CS15 - Protecting and improving our parks and open spaces & encouraging biodiversity, CS17 - Making Camden a safer place, CS18 - Dealing with our waste and encouraging recycling and CS19 - Delivering and monitoring the Core Strategy and with the London Borough of Camden Local Development Framework Development Policies with particular regard to DP2 - Making full use of Camden's capacity for housing, DP5 - Housing size mix, DP6 - Lifetime homes and wheelchair homes, DP12 - Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses, DP17 - Walking, cycling and public transport, DP18 - Parking standards and the availability of car parking, DP19 - Managing the impact of parking, DP20 - Movement of goods and materials, DP22 - Promoting sustainable design and construction, DP23 - Water, DP24 - Securing high quality design, DP25 - Conserving Camden's heritage, DP26 - Managing the impact of development on occupiers and neighbours, DP28 - Noise and vibration, DP29 - Improving access and DP30 - Shopfronts.

- 12 Furthermore the proposal accords with the specific policy requirements in respect of the following principle considerations:- appropriate standard of design having regard for local context; increase provision of residential accommodation within the borough of an appropriate standard; appropriate protection of the amenity of neighbouring occupiers; suitable measures in respect of transport related

objectives, including car-free housing and a construction management plan being secured via S106 Legal Agreement.

Disclaimer

This is an internet copy for information purposes. If you require a copy of the signed original please telephone Contact Camden on (020) 7974 4444

