

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: HIGHGATE ROAD CHAPEL
HIGHGATE ROAD
LONDON
NW5 1BS**

1. THIS NOTICE is served by the Council under section 187A of the above Act, because they consider that a condition imposed on a grant of planning permission, relating to the land described in paragraph 2 below, has 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: **HIGHGATE ROAD CHAPEL, HIGHGATE ROAD, LONDON, NW5 1BS** shown edged black on the attached plan.

3. THE RELEVANT PLANNING PERMISSION

The relevant Planning Permission to which this Notice relates is the planning permission **2005/0888/P** which provides for the redevelopment of the existing chapel, Sunday School and nursery hall including partial demolition to the Sunday School building to provide new church and nursery accommodation with 14 residential units within the chapel.

4. THE BREACH OF CONDITION

The following condition has not been complied with:

Condition 11 of the planning permission namely: "Full details of how any internal lighting will operate within the new communal staircase/glazed link shall be submitted to the Council for approval prior to the occupation of any part of the development. This shall include details of lux levels for low level and energy efficient lighting methods and any such lighting shall operate on a sensor timer system only between 2200 to 0700 hours. Details shall be implemented as approved and retained like so thereafter."

Reason: To safeguard the amenity of adjoining residents in accordance with the UDP policies EN19 RE2 of the London Borough of Camden Unitary Development Plan 2000.

The condition has been breached in that:

1. The internal lighting is causing light pollution issues to neighbouring residential properties overnight when there should be a timer sensor fitted; and
2. The developer has failed to comply with the details of condition 11.

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:-

1. The internal staircase lighting in the glazed link shall be fitted in accordance with the details discharged under planning approval 2010/2752/P and the sensor timed system fitted to operate between the hours of 2200 to 0700.

Period for compliance:-

Twenty-eight (28) days 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 March 2017

David T. Joyce

(Signed).....

**Head of service, Supporting Communities, Regeneration and Planning on
behalf of the London Borough of Camden, Town Hall, Judd Street, London
WC1H 8JE**

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:

John Nicholls
John.nicholls@camden.gov.uk
0207 7974 2843

Appeals and enforcement
Supporting Communities
Regeneration and Planning
Development Management
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

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.

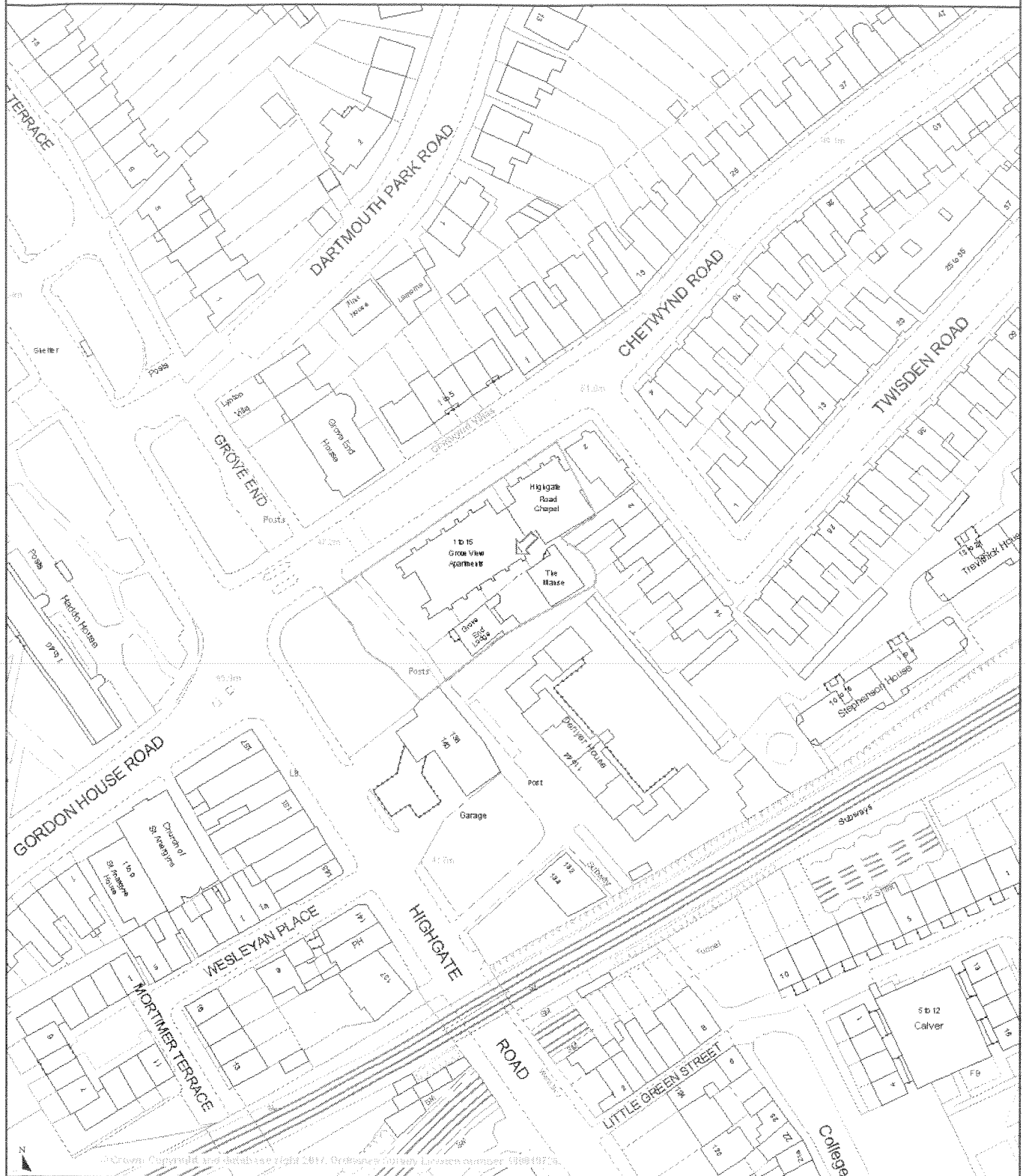
(12) A person who is guilty of an offence under subsection (9) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(13) In this section -

(a) 'conditions' includes limitations; and

(b) references to carrying out any development include causing or permitting another to do so).

Highgate Road Chapel



Reproduced by permission of Ordnance Survey on behalf of HMSO.
 © Crown copyright and database right 2016.
 Ordnance Survey Licence number 100019726.

Scale 1/1250 Date 22/3/2017

Centre = 528649 E 185841 N

KR 8338 1071 4GB

KR 8338 1072 8GB

KR 8338 1073 1GB

KR 8338 1074 5GB

KR 8338 1075 9GB

KR 8338 1076 2GB

KR 8338 1077 6GB

KR 8338 1078 0GB

KR 8338 1079 3GB

KR 8338 1080 2GB

KR 8338 1081 6GB

KR 8338 1082 0GB

KR 8338 1083 3GB

RU 3709 0474 3GB

KR 8338 1084 7GB

KR 8338 1085 5GB

KR 8338 1117 5GB

KR 8338 1086 4GB

KR 8338 1087 8GB

KR 8338 1088 1GB

KR 8338 1089 5GB

KR 8338 1090 4GB

KR 8338 1091 8GB

KR 8338 1092 1GB

KR 8338 1093 5GB

KR 8338 1094 9GB

KR 8338 1095 2GB

KR 8338 1096 6GB

KR 8338 1097 0GB

KR 8338 1098 3GB

KR 8338 1099 7GB

KR 8338 1100 3GB

KR 8338 1101 7GB

KR 8338 1102 5GB

KR 8338 1103 4GB

KR 8338 1104 8GB

KR 8338 1105 1GB

KR 8338 1106 5GB

KR 8338 1107 9GB

KR 8338 1108 2GB

KR 8338 1109 6GB

KR 8338 1110 5GB

KR 8338 1111 9GB

KR 8338 1112 2GB

KR 8338 1113 6GB

KR 8338 1114 0GB

KR 8338 1115 3GB

KR 8338 1116 7GB