

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: KSTTK PROPERTIES LIMITED
Second Floor Maisonette
84 St Augustine's Road
London NW1 9RP

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: **SECOND FLOOR MAISONETTE, 84 ST AUGUSTINE'S ROAD, LONDON NW1 9RP** 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 Ref: 2015/1968/P Conversion of 4 bed 2nd floor maisonette to 2 flats (1 x studio, 1 x 2 bed) and extension to rear dormer roof extension, installation of inset rear roof terrace, increase in height of second floor rear extension, alterations and additions to windows on rear elevation

4. THE BREACH OF CONDITION

The following condition has not been complied with:

Condition 5 of the planning permission namely: Before the development commences, details of secure and covered cycle storage area for 3 cycles shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 of the London Borough of Camden Local Development Framework Development Policies.

Condition 6 of the planning permission namely: No development shall take place until full details of an external waste storage enclosure at ground floor level have been submitted to and approved by the local planning authority in writing.
The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policy CS14 and CS15 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.

The condition has been breached in that:

1. Bicycle/waste storage has not been built in accordance with plans approved under application referenced 2016/1573/P granted on 14/06/2016

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. To remove the existing unauthorised external waste and cycle aluminium enclosure;
2. To implement the approved external waste and cycle storage enclosure area in accordance with the details (location design and method) as shown on approved drawings 10584 /TP2/05 Rev1 association with application 2016/1573/P granted on 14/06/2016, and;
3. Make good any damage as a result of the above works.

Period for compliance:-

Thirty (30) days from the receipt of this notice.

6. WHEN THIS NOTICE TAKES EFFECT.

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

Dated: 10 July 2018

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:

Angela Ryan
angela.ryan@camden.gov.uk
0207-974-3236

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).



**Regeneration and Planning
Development Management**
London Borough of Camden
Town Hall
Judd Street
London
WC1H 8ND

Tel 020 7974 4444
Textlink 020 7974 6866

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

Mr William Pottinger
Savage & Pottinger Design Ltd
11 Eton Garages Lancaster Grove
London
NW3 4PE

Application Ref: **2015/1968/P**
Please ask for: **James Clark**
Telephone: 020 7974 **2050**

7 October 2015

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:
Second Floor Maisonette
84 St Augustine's Road
London
NW1 9RP

Proposal:

Conversion of 4 bed 2nd floor maisonette to 2 flats (1 x studio, 1 x 2 bed) and extension to rear dormer roof extension, installation of inset rear roof terrace, increase in height of second floor rear extension, alterations and additions to windows on rear elevation
Drawing Nos: Design & Access Statement, Lifetimes Homes Statement, 10584/TP2/01, 10584/TP2/02r03, 10584/TP2/03r3 & 10584/TP2/04r3

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 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.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: Design & Access Statement, Lifetimes Homes Statement, 10584/TP2/01, 10584/TP2/02r03, 10584/TP2/03r3 & 10584/TP2/04r3

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

- 4 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.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 of the London Borough of Camden Local Development Framework Development Policies.

- 5 Before the development commences, details of secure and covered cycle storage area for 3 cycles shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 of the London Borough of Camden Local Development Framework Development Policies.

- 6 No development shall take place until full details of an external waste storage enclosure at ground floor level have been submitted to and approved by the local planning authority in writing.

The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policy CS14 and CS15 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP25 of the

Informative(s):

1 Reasons for granting permission

Council LDF Policies CS6 and DP2 aim to make full use of Camden's capacity for housing. The proposal would result in an additional dwelling. Policy DP5 sets out dwelling type priorities. With regard to market housing two bed units are in high demand. As such the proposed conversion is considered to be acceptable in principle subject to an assessment of standard of accommodation, waste, sustainability and transport impacts.

The 2 bed, 3 person flat would have an internal floor space of approximately 50sq.m. Guidance in CPG2 expects a three person dwelling to have an overall internal floorspace of 61sq.m. Although the proposed floor space would fall short of this guidance, the proposed layout would be a vast improvement on the existing cramped 4 bedroom dwelling, with the proposed room sizes of good dimensions that meet the relevant lifetime homes standards. The proposed studio unit, at 37sqm would meet the relevant size standards. Guidance in CPG2 expects at least half the floor area to be 2.3m in height to be considered habitable. The proposed fourth floor studio meets this standard, as does the kitchen/dining area of the proposed two bed flat. Overall the proposal is considered to provide sufficient habitable space according with CS6, CPG2 and the London Plan 2015.

The proposed increase in the width of the rear dormer and the second floor rear window alteration are modest alterations that would not have any discernible impact on the character of the host property or harm the wider conservation area. The principle of a rear dormer is already established on the property and the modest increase in mass, maintaining adequate setbacks from the side of the building, would not result in a dormer that dominates the rear roof slope. The alteration of the second floor rear window from a small fixed obscure glazed to a timber sash window would be more in keeping with the fenestration on the host building, meeting guidance in CPG1.

The proposed 0.2m increase in the height of the second floor closet wing to an internal height of 2.3m would provide increased internal headroom. An angled roof light would be located between the rear elevation and the closet wing. The roof light is largely designed to maintain a headroom height of 2.3m between the descending stairs between the host property and the closet wing. This rooflight would not be appreciable from ground level. The modest increase in the height of the closet wing is not considered to result in excessive mass to the host property creating an unbalanced built form.

The proposed inset balcony attached to the rear dormer is considered to be acceptable as it is small in size, is generally inset behind the sloping roof of the building in accordance with the guidance in CPG1 and will be finished in railings which are in keeping with the style of the building.

- 2 The proposed inset balcony attached to the rear dormer is not considered to result in greater overlooking of properties on Marquis Road than is currently present from the existing dormer windows. The proposed second floor window alteration would be obscure glazed below 1500mm reducing the impact to the private amenity of properties on Marquis Road. The distance between the rear habitable windows of the application property and those on Marquis Road is approximately 20m, beyond the minimum distance of 18m stipulated within guidance CPG6.

No formal waste disposal area or secure bike storage has been designated on the site however the front garden is currently used for the sites waste storage and would be acceptable to continue in this form. Secure bike storage could also be provided on the front garden. Based on the number of units proposed the London Plan requires that 3 cycle parking spaces be provided. As no details have been provided at application stage a condition will be included requiring that details of the storage of 3 cycles and waste be submitted prior to commencement of the development.

Policy DP18 expects development to be car free in the central London Area, Town centres, and other area within Controlled Parking Zones that are easily accessible by Public transport (PTAL of 4 or above). While the site has a Public Transport Accessibility level (PTAL) of 2, the controlled parking zone is currently oversubscribed. As such any additional parking permits would put further pressure on the area, and result in congestion as vehicles search for spaces. While the maisonette is currently eligible for a parking permit, which would be retained by the proposed two bedroom flat, the studio flat will be secured as car free secured through a legal agreement.

21 Neighbouring occupiers were consulted on the application, two objections have been received. Amendments have been made to the initial planning application that reduces the impacts and concerns raised from the neighbour objections. The site's planning history and relevant appeal decisions were taken into account when coming to this decision. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under 72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (EER) 2013.

As such, the proposed development is in general accordance with policies CS5, CS6, CS11 and CS14 of the London Borough of Camden Local Development Framework Core Strategy, and policies DP2, DP5, DP6, DP17, DP18, DP24, DP26 and DP27 of the London Borough of Camden Local Development Framework Development Policies. The proposed development also accords with policies 3.4, 3.5, 5.18, 6.9, 6.13, 7.4, and 7.6 of the London Plan 2015 and paragraphs 14, 17, 56-66 and 125-141 of the National Planning Policy Framework.

- 3 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 6941).

- 4 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.
- 5 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to CIL@Camden.gov.uk

- 6 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.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

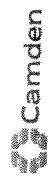
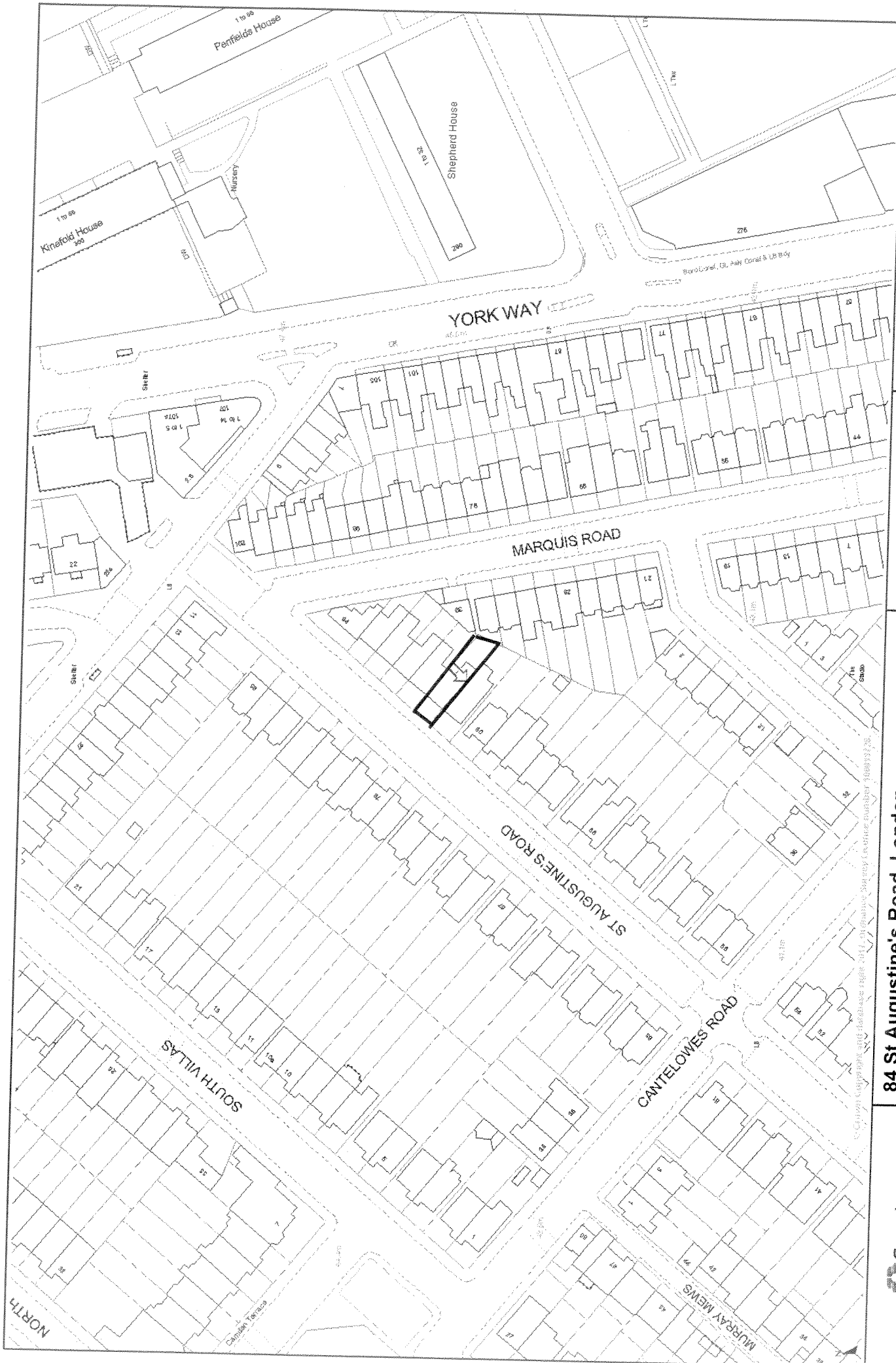
You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

A handwritten signature in black ink, appearing to read 'Ed Watson', written in a cursive style.

Ed Watson
Director of Culture & Environment



84 St Augustine's Road, London

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

Scale 1/1250

Centre = 529914 E 184612 N

Date 30/4/2018

KX 2076 2711 8GB

KX 2076 2712 1GB

KX 2076 2713 5GB

KX 2076 2714 9GB

KX 2076 2715 2GB

KX 2076 2716 6GB