

EN17/1278

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT NOTICE

ISSUED BY: THE LONDON BOROUGH OF CAMDEN

1. **THIS NOTICE** is issued by the Council because it appears to them that there have been breaches of planning control, within paragraph (b) of section 171A(1) 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. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. **THE LAND TO WHICH THE NOTICE RELATES**

Land at 51 Fairfax Road, London, NW6 4EN (**the property**) as shown edged black on the attached plan.

3. **THE BREACHES OF PLANNING CONTROL ALLEGED**

- 3.1. On 5 April 2016 the Council gave notice of its decision referenced 2015/3916/P to grant conditional planning permission for "change of use and subdivision of mixed A1/A3 to form an A3 unit at 51. Alteration to the shopfront and the installation of an extract duct from first floor to roof level on the rear elevation" (**the planning permission**) at the property.

- 3.2. Condition 4 of the planning permission states:

"No customers shall be on the premises outside of the hours of 08:00 to 21:00 on any day.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26, DP28 and DP12 of the London Borough of Camden Local Development Framework Development Policies."

- 3.3. It appears to the Council that Condition 4 of the planning permission is not being complied with because customers are on the premises after 21:00 hours.

3.4. On 30 November 2017 the Council gave notice by its decision referenced 2017/4528/P refusing to vary or remove Condition 4 of the planning permission to allow customers to be on the premises between 08:00 to 21:30 on any day. The reason for refusal was that the proposed variation to extend permitted hours for customers to have vacated the site would result in an increase in evening activity, noise and disturbance to the detriment of the amenity of local residents contrary to policies A1 and A4 of the London Borough of Camden Local Plan 2017.

3.5. Condition 12 of the planning permission states:

"The use hereby permitted shall not be carried out outside the following times 08:00 to 21:00 on any day.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26, DP28 and DP12 of the London Borough of Camden Local Development Framework Development Policies."

3.6. It appears to the Council that Condition 12 is not being complied with because the use of the property as a restaurant (Class A3) is being carried out after 21:00 hours.

4. REASONS FOR ISSUING THIS NOTICE

4.1. It appears to the Council that the above breaches of planning control have occurred within the last 10 years.

4.2. The breaches of Condition 4 and Condition 12 of the planning permission as alleged in this notice result in an increase in evening activity, noise and disturbance to the detriment of the amenity of local residents and the area generally contrary to policies A1 and A4 of the London Borough of Camden Local Plan 2017 (policies A1 and A4 being the successor policies to policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26, DP28 and DP12 of the London Borough of Camden Local Development Framework Development Policies).

4.3. The Council considers that there should be no relaxation of the provisions of Conditions 4 or 12 because these conditions are required to safeguard the amenities of adjoining premises and the area generally.

5. WHAT YOU ARE REQUIRED TO DO

- 5.1. In respect of the breach of Condition 4, to ensure that no customers are on the property after 21:00 hours on any day.
- 5.2. In respect of the breach of Condition 12, to ensure that the use of the property as a restaurant (Class A3) is not carried out after 21:00 hours on any day.

6. TIME FOR COMPLIANCE

One (1) calendar month from the date of this notice taking effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on **24 January 2018** unless an appeal is made against it beforehand.

DATED: 13 December 2017

David T. Joyce

Signed: _____

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

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 Planning Inspectorate acting on behalf of the Secretary of State before the **24 January 2018**.

The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal – see link

<http://www.planningportal.gov.uk/uploads/pins/enfinfosheet.pdf>

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on **24 January 2018**, 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.

**NOTE PURSUANT TO REGULATION 5 OF THE TOWN AND COUNTRY
(ENFORCEMENT NOTICES AND APPEALS) (ENGLAND) REGULATIONS 2002.**

If you appeal against the notice on Ground (a) "That planning permission should be granted for what is alleged in the enforcement notice, or that the condition which is alleged not to have been complied with should be discharged", there is a fee payable under regulation 10 of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 for the deemed application for planning permission for the development alleged to be in breach of planning control in the enforcement notice.

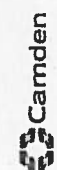
The fee is payable twice to the "London Borough of Camden", as the local planning authority.

If you wish to appeal under Ground (a), the fee payable to the "London Borough of Camden" should accompany the copy of the appeal form sent to the Council at the following address:

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

The fee is £172.00

The TOTAL FEE payable is £344.00 (i.e. £172.00 x 2)



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