

London Borough of Camden Proof of Evidence 1a Highgate Road Site

# JS13

Enforcement Notice dated 11/04/18

Council reference: EN18/0177

**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 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. The Explanatory Note 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: 1A HIGHGATE ROAD, LONDON, NW5 1JY** shown outlined in black on the attached plan (“the Property”).
  
3. **THE BREACH OF PLANNING CONTROL ALLEGED**  
  
**Without planning permission:** Construction of a residential development providing 13 residential units.
  
4. **REASONS FOR ISSUING THIS NOTICE:**
  1. It appears to the Council that the above breach of planning control has occurred within the last four years.
  2. The development, by reason of the small proportion of family sized units in the residential mix and the over-provision of one-bedroom units, fails to contribute to the creation of mixed and inclusive communities, contrary to policy H6 (Housing Choice and Mix) of the London Borough of Camden Local Plan 2017.
  3. A number of the residential units, by reason of their poor internal space levels, the poor quality of their outlook, daylight and sunlight,

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and their single-aspect design, provide sub-standard accommodation which would be harmful to the amenities of future occupiers and contrary to policies D1 (Design) and A1 (Managing the Impact of Development on Occupiers and Neighbours) of the London Borough of Camden Local Plan 2017.

4. The development provides sub-standard levels of external amenity space within site. The failure to make adequate provision for external amenity space is likely to be harmful to the amenities of future occupiers and is contrary to policy A2 (Open Space) of the London Borough of Camden Local Plan 2017
5. The private terrace at first floor level would result in overlooking to residential occupiers of 1 Highgate Road resulting in a loss of privacy to the detriment of the amenity of residents of this property. This is contrary to policy A1 (Managing the Impact of Development on Occupiers and Neighbours) of the London Borough of Camden Local Plan 2017.
6. The development, by reason of the failure to provide affordable housing fails to maximise the contribution of the site to the supply of affordable housing in the borough. As such it is contrary to policy H4 (Maximising the Supply of Affordable Housing) of the London Borough of Camden Local Plan 2017.
7. The development, by reason of not providing 10% of the units in accordance with wheelchair housing standards, fails to give access to a range of housing types suitable for people with mobility difficulties, contrary to policy H6 (Housing Choice and Mix) of the London Borough of Camden Local Plan 2017.
8. The development, by reason the failure to provide contributions towards public highway works and public realm and environmental improvements is likely to harm the borough's transport and public realm infrastructure and to fail to contribute to the promotion of sustainable pedestrian and cycling movements. This is contrary to policy T1 (Prioritising Walking, Cycling and Public Transport) of the London Borough of Camden Local Plan 2017.
9. The development, by reason of the failure to provide a Construction Management Plan, is likely to give rise to conflicts with other road users, and to be detrimental to the amenities of the area generally, contrary to policies T4 (Sustainable Movement of Goods and Materials) and A1 (Managing the Impact of Development on Occupiers and Neighbours) of the London Borough of Camden Local Plan 2017.

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10. The development, in the absence of a legal agreement to secure a car-free development, is likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policy T2 (Parking and Car Free Development) of the London Borough of Camden Local Plan 2017
11. The development, by reason of the unsatisfactory amount of cycle parking provided, would discourage the ownership and use of cycles as a sustainable form of transport, contrary to policy T1 (Prioritising Walking, Cycling and Public Transport) of the London Borough of Camden Local Plan 2017.
12. The development, in the absence of evidence that it has incorporated sustainable design and construction principles, including water efficiency measures, fails to ensure proper standards of sustainability in the development, contrary to policies CC1 (Climate Change Mitigation) and CC2 (Adapting to Climate Change) of the London Borough of Camden Local Plan 2017.
13. The development, in the absence of evidence that it has carried out appropriate investigations and remedial measures for contaminated land, fails to protect future occupiers of the development contrary to policy A1 (Managing the Impact of Development on Occupiers and Neighbours) of the London Borough of Camden Local Plan 2017.

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**

Within a period of **three months** of the Notice taking effect:

Completely cease use of the building for residential purposes.

6. **WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on **23<sup>rd</sup> May 2018** unless an appeal is made against it beforehand.

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*David T. Joyce*

DATED: 11<sup>th</sup> April 2018 Signed:

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

**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/No.2920 for the deemed application for the 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 (£172.00 x2)**

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## 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 date specified in paragraph 6 of the notice.

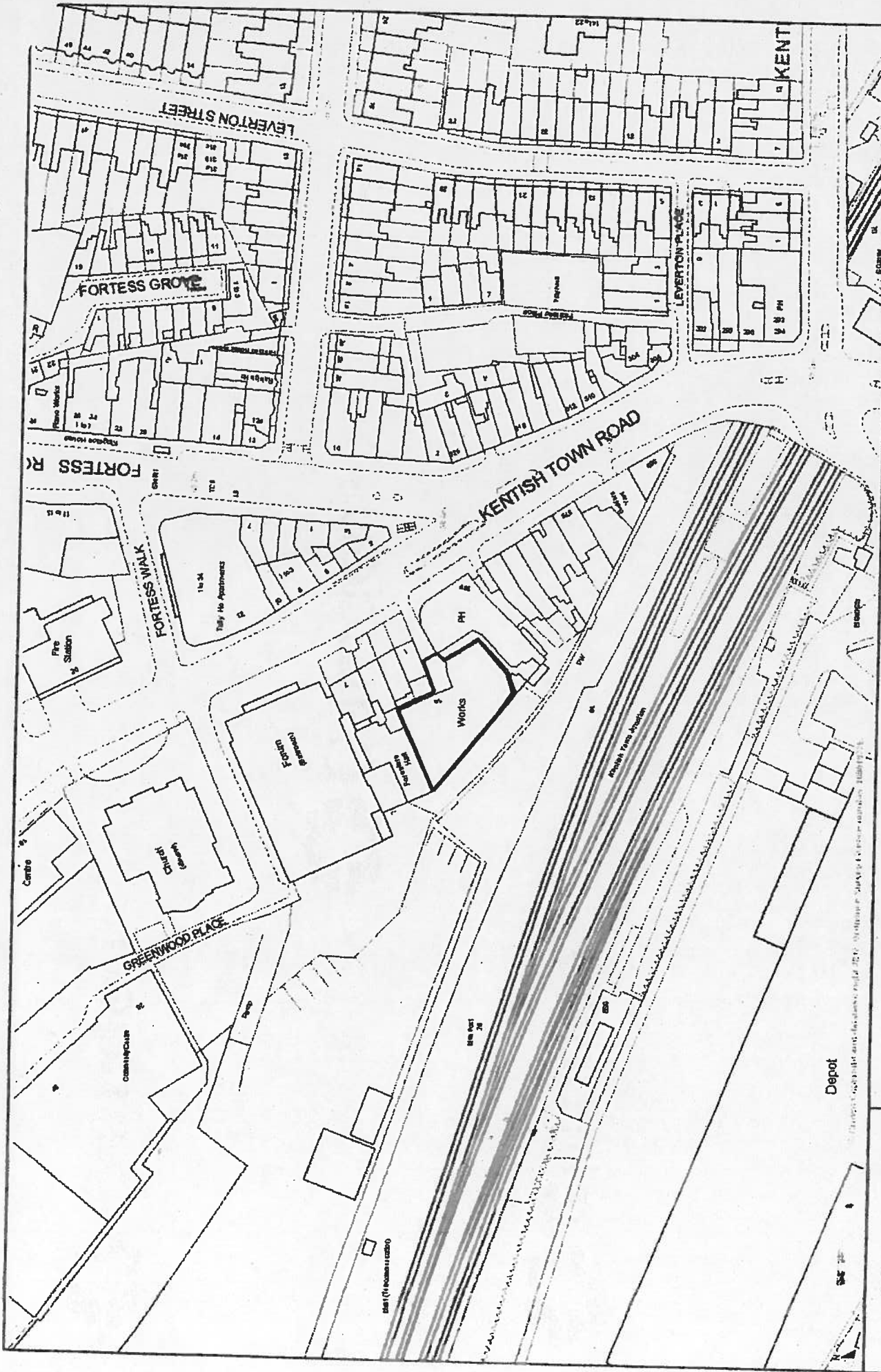
The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal

[link to <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 **23<sup>rd</sup> May 2018**, and you must then ensure that the required steps for complying with it, for which you may 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.

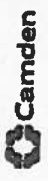




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Centre = 528927 E 185292 N

Date 14/3/2018



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