

Council reference: EN19/0359

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: Rear of 115-119 Finchley Road, London, NW3 6HY
as shown outlined in black on the attached plan ("the Property").

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

Without planning permission: use of the premises as a Commercial Kitchens and Delivery Centre (Sui Generis); and installation of external plant, including three (3) extract ducts, four (4) flues, three (3) air intake louvres, one (1) rooftop extract and three (3) air condenser units.

4. **REASONS FOR ISSUING THIS NOTICE:**

- a) The breach of planning control has occurred within the last 10 years.
- b) The high volume of vehicle deliveries serving the Property results in a significant noise nuisance and a harmful loss of amenity to adjacent occupiers contrary to Policy A1 of the Camden Local Plan 2017.

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- c) The use of the Property, in the absence of measures to control the unauthorised hours of operation, litter, storage, waste, recycling, servicing and delivery results in nuisance and a harmful loss of amenity to adjacent occupiers contrary to Policy A1 of the Camden Local Plan 2017.
- d) The delivery vehicles and parking of these resulting from the unauthorised use of the Property has a harmful impact on highway safety in the vicinity of the site, causing difficulty for vulnerable users and neighbouring occupiers contrary to Policy A1 of the Camden Local Plan 2017.
- e) The extract plant and associated equipment, by virtue of their siting and visual impact, cause harm to the character and appearance of the Property and the context of the local area contrary to policy D1 of Camden Local Plan 2017.
- f) A suitably comprehensive acoustic survey and a risk-based odour control and impact assessment demonstrating that all plant equipment, when operating at full capacity, would be capable of doing so without causing harm to local amenity has not been provided. As a result the plant and equipment that have been installed at the Property are contrary to policies A1 and A4 of the Camden Local Plan 2017.
- g) The plant equipment facilitates the unauthorised use of the Property, and whilst their operation and appearance may be controlled by planning condition, the use is unacceptable in principle and the associated operational development is therefore unacceptable.

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 **four (4) month** of the Notice taking effect:

- 1. Permanently cease the use of the premises as a Commercial Kitchens and Delivery Centre;
- 2. Permanently remove the three (3) extract ducts from the west-facing elevation of the Property;

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3. Permanently remove the four (4) flues from: the south-facing elevation (3 flues); and the north-facing elevation (1 flue) of the Property;
 4. Permanently remove the three (3) air intake louvres from: the north-facing elevation (2 air intake louvres); and the south elevation (1 intake louvre) of the Property;
 5. Permanently remove the three (3) air condenser units from the west-facing elevation of the Property;
 6. Permanently remove the one (1) air extract from the rooftop of the Property;
 7. Permanently remove any brackets and cabling associated with the flues, louvres and condenser units from the elevations of the Property;
 8. Permanently remove any other associated items of air handling equipment from the exterior of the Property and return the exterior of the Property to the layout shown on "Existing elevation" drawings 2017-075-101-A and 2017-075-102-A attached to this notice;
 9. Reinststate the brick flank wall by closing the unauthorised openings with bricks to match the nearby areas of wall in terms of color, texture, bond and mortar;
 10. Make good the exterior of the Property following the completion of the above works.
6. **WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on **4 June 2019** unless an appeal is made against it beforehand.

DATED: 23 April 2019 Signed: 

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

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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 £462.00

The TOTAL FEE payable is £924.00 (i.e. £462.00 x 2)

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ANNEX

YOUR RIGHT OF APPEAL

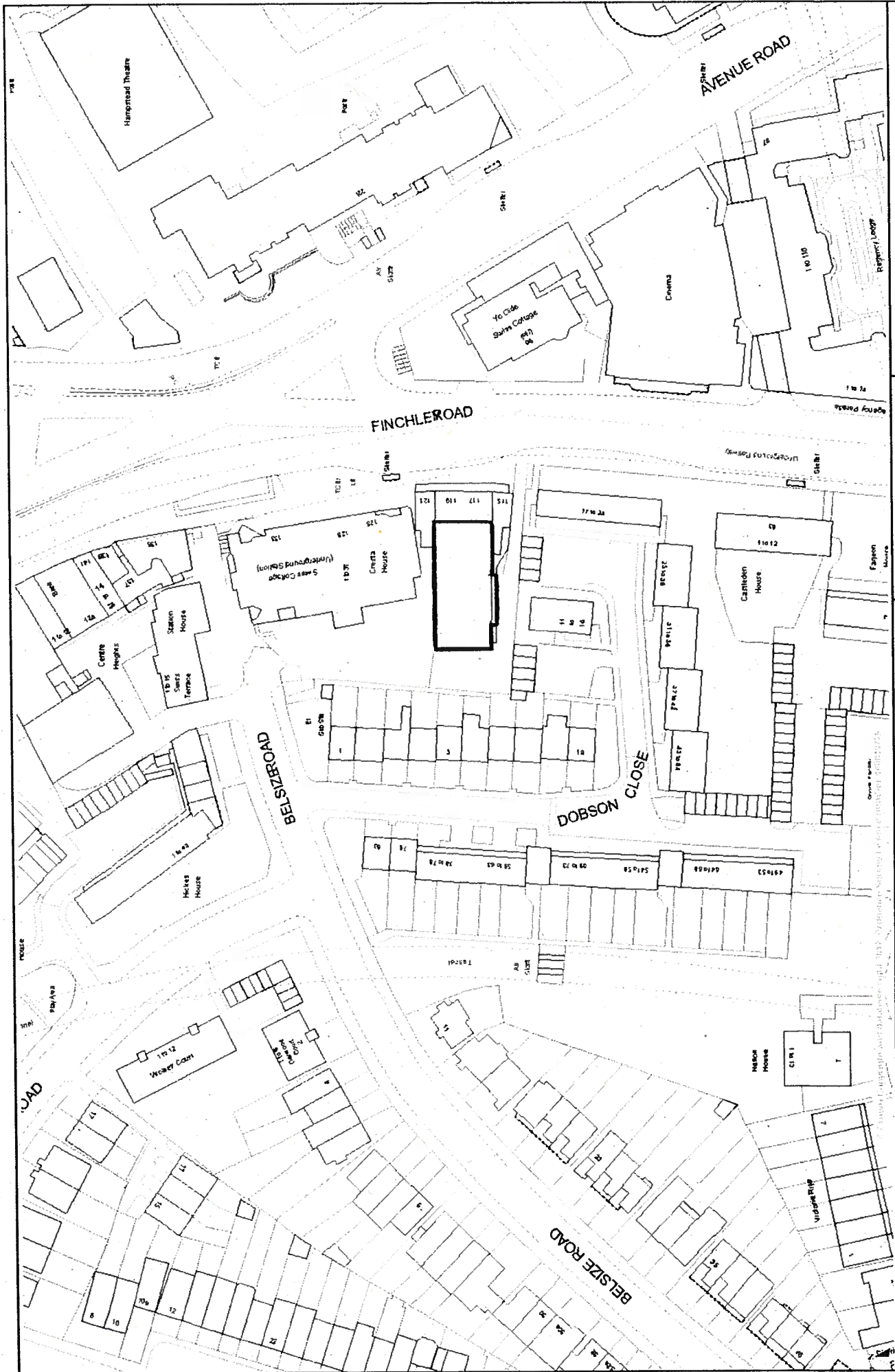
You can appeal against this notice, but any appeal must be received, or posted in time to be **received**, by the Planning Inspectorate acting on behalf of the Secretary of State **before** the date specified in paragraph 6 of the notice.

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/eninfosheet.pdf>]

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on **4 June 2019**, 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.

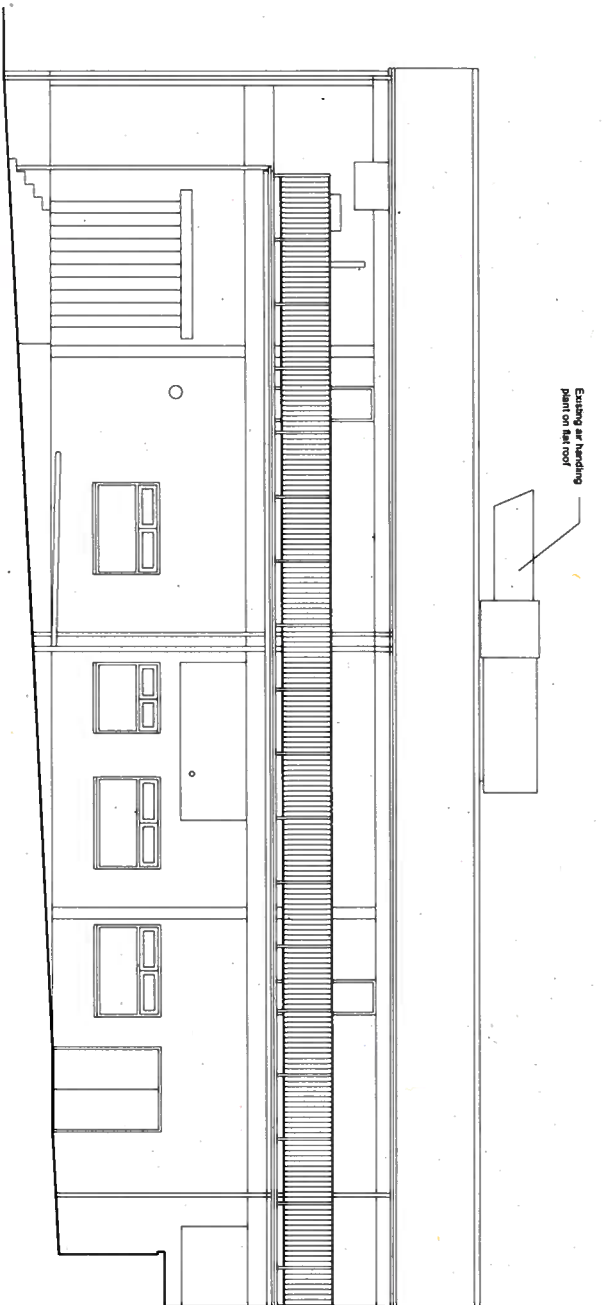


Date 21/5/2018

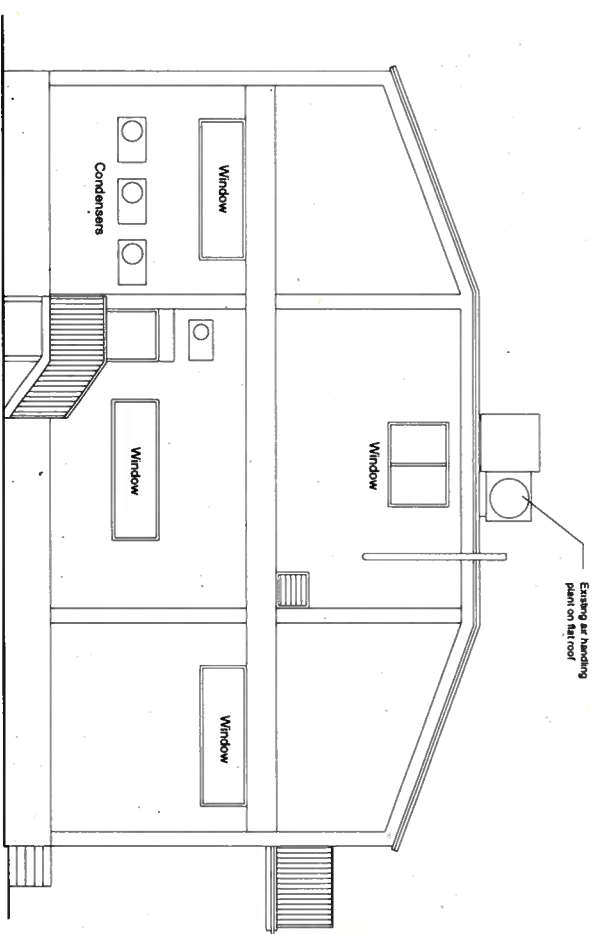
Scale 1/1250
Centre = 526580 E 184263 N

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Existing South Elevation



Existing West Elevation



Rev	Disc	Notes	Additional info added
Rev A	09/2017		

PLANNING

IBF Architects

Project:
117 FINCHLEY ROAD
SWISS COTTAGE
LONDON

Client:
DELVEROO

Date:
2017-07-10

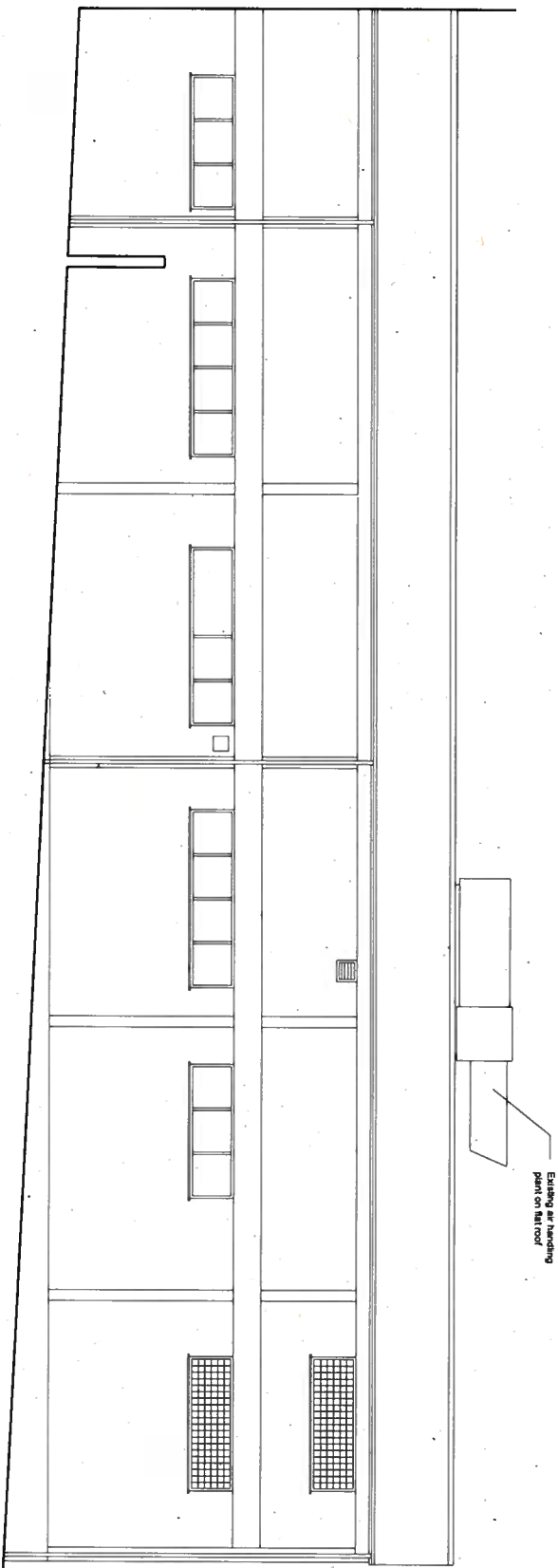
Scale:
1:500

Drawn:
NH

Checked:
DJF

Date:
JULY 2017

Sheet:
A



Existing North Elevation



Existing air handling plant on flat roof

Rev	Date	Notes
Rev A	08/05/17	Addressed the address

PLANNING

IBF Architects

Project:
117 FINCKLEY ROAD
SWISS COTTAGE
LONDON

Client:
DELIVEROO

Drawings:
EXISTING ELEVATIONS (SHEET 2 OF 2)

Scale	Drawn	Checked	Date
1:500 (A1)	KH	DF	JULY 2017
Draw no.	Rev:		
2017-075-102	A		

IBF ARCHITECTS LTD. IS AN EQUAL OPPORTUNITY AND DIVERSITY COMPANY. WE ENCOURAGE ALL TO APPLY. WE ARE AN EQUAL OPPORTUNITY AND DIVERSITY COMPANY. WE ENCOURAGE ALL TO APPLY. WE ARE AN EQUAL OPPORTUNITY AND DIVERSITY COMPANY. WE ENCOURAGE ALL TO APPLY.



The Planning Inspectorate

CST Room 3/13
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line 0303-444 5000

Fax No 0117-372 8782

THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- on-line at the Appeals Casework Portal (<https://acp.planninginspectorate.gov.uk/>); or
- by getting enforcement appeal forms by phoning us on 0303 444 5000 or by emailing us at enquiries@pins.gsi.gov.uk

You MUST make sure that we receive your appeal before the effective date on the enforcement notice.

In exceptional circumstances you may give notice of appeal by fax or letter. You should include:-

- the name of the local planning authority;
- the site address;
- your address; and
- the effective date of the enforcement notice.

We MUST receive this before the effective date on the enforcement notice. This should **immediately** be followed by your completed appeal forms.



Punjabi

ਜ਼ਰੂਰੀ: ਇਹ ਫਾਰਮ ਸਾਡੇ ਕੋਲ ਭੇਜਣ ਲਈ ਖਾਸ ਮਿਆਦ ਹੈ। ਇਸ ਮਿਆਦ ਦਾ ਸਮਾਂ ਪੂਰਾ ਹੋ ਜਾਣ ਤੋਂ ਪਹਿਲਾਂ ਇਹ ਫਾਰਮ ਸਾਡੇ ਕੋਲ ਲਾਜ਼ਮੀ ਤੌਰ ਤੇ ਪਹੁੰਚ ਜਾਣਾ ਚਾਹੀਦਾ ਹੈ। ਜੇ ਤੁਹਾਨੂੰ ਇਹ ਫਾਰਮ ਭਰਨ ਲਈ ਮਦਦ ਦੀ ਲੋੜ ਹੈ, ਤਾਂ ਅਸੀਂ ਤੁਹਾਨੂੰ ਸੁਝਾਉਂਦੇ ਹਾਂ ਕਿ ਤੁਸੀਂ ਇਹਦੇ ਬਾਰੇ ਕਿਸੇ ਤੋਂ ਸਲਾਹ ਲਓ।

Gujarati

મહત્વનું : અમને આ ફોર્મ મોકલવા માટે સમય મર્યાદા છે. આ સમય મર્યાદા પૂરી થાય તે પહેલાં અમને તે મળી જવું જ જોઈએ. જો તમને આ ફોર્મ ભરવા માટે મદદની જરૂર હોય તો અમે તમને સલાહ મેળવવાનું સૂચન કરીએ છીએ.

Hindi

आवश्यक : इस फॉर्म को हमारे पास भिजवाने की एक समय-सीमा है। उस समय-सीमा के बीतने से पहले हमें यह फॉर्म अवश्य मिल जाना चाहिए। यदि आपको इस फॉर्म को भरने में सहायता चाहिए, तो हमारा सुझाव है कि आप किसी की सलाह लें।

Urdu

اہم: اس فارم کو ہمیں بھیجنے کے لئے وقت کی ایک معیار ہے۔ اس معیار کے گزرنے سے پہلے پہلے ہمیں یہ لازمی طور پر مل جانا چاہیے۔ اگر اس فارم کو بھرنے میں آپ کو مدد کی ضرورت ہے تو ہماری رائے ہے کہ آپ مشورہ حاصل کریں۔

Bengali

জরুরী: এই ফর্ম আমাদের কাছে পাঠানোর একটা সময়সীমা আছে। এই সময়সীমা শেষ হবার আগেই এটা অবশ্যই আমাদের কাছে পৌঁছাতে হবে। এই ফর্ম পূরণ করায় যদি আপনার সাহায্যের দরকার হয় তাহলে আমাদের পুস্তাব, কারো পরামর্শ নিন।

Chinese

重要通知: 把這份表格寄回給我們是有時間限制的。我們必須在時限過期之前收到這份表格。假若你需要別人幫助你填寫這份表格, 我們建議你尋求指導。

English

IMPORTANT: There is a time limit for sending this form to us. We must receive it before the time expires. If you need help filling in this form, we suggest you get advice.

REQUISITION FOR INFORMATION

TAKE NOTICE that, pursuant to the provisions of section 16 of the Local Government (Miscellaneous Provisions) Act 1976, London Borough of Camden hereby require you to state in writing the nature of your interest in the above land or premises.

You are also required to state in writing the name and address of any other person known to you as having an interest in the said land or premises, as freehold, mortgagee, lessee or otherwise, or who receives rent for the land.

A form is attached hereto on which the information required may be given by means of your replies to the questions set out therein. No covering letter is necessary.

NOTE

Section 16 of the Local Government Act (Miscellaneous Provisions) Act 1976 provides as follows:

16.— Power of local authorities to obtain particulars of persons interested in land.

(1) *Where, with a view to performing a function conferred on a local authority by any enactment, the authority considers that it ought to have information connected with any land, the authority may serve on one or more of the following persons, namely—*

(a) the occupier of the land; and

(b) any person who has an interest in the land either as freeholder, mortgagee or lessee or who directly or indirectly receives rent for the land; and

(c) any person who, in pursuance of an agreement between himself and a person interested in the land, is authorised to manage the land or to arrange for the letting of it,

a notice specifying the land and the function and the enactment which confers the function and requiring the recipient of the notice to furnish to the authority, within a period specified in the notice (which shall not be less than fourteen days beginning with the day on which the notice is served), the nature of his interest in the land and the name and address of each person whom the recipient of the notice believes is the occupier of the land and of each person whom he believes is, as respects the land, such a person as is mentioned in the provisions of paragraphs (b) and (c) of this subsection.

(2) *A person who—*

(a) fails to comply with the requirements of a notice served on him in pursuance of the preceding subsection; or

(b) in furnishing any information in compliance with such a notice makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

**Return of Information required to be given under
section 16 of the Local Government (Miscellaneous Provisions) Act 1976**

From(name)
.....(address)

In reply to notice dated 23 April 2019

And regarding **Rear of 115-119 Finchley Road, London NW3 6HY**

I hereby declare that the following information is correct to the best of my knowledge;

..... (signed)

My interest in the land is as	
Name (in full) and address of occupier	
State whether premises is held on weekly tenancy, Agreement or lease and term	
Name (in full) and address of person to whom rent is paid If he is Agent for another person state name (in full) and address of such person	
Name (in full) and address of Freeholder	
Name (in full) and address of Leaseholder	
Name (in full) and address of Mortgagee	
Name (in full) and address of any other person having an interest in the Premises and the nature of such an interest	

This form must be returned to the following address within 14 days of the date of service of the notice:
 Legal Planning Team
 On behalf of the Borough Solicitor
 London Borough of Camden
 Town Hall
 Judd Street
 London WC1H 9LP