

London Borough of Camden Proof of Evidence Rear of 115-119 Finchley Road

# JS4

Enforcement Notice EN17/1005

Council reference: EN17/1005

**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: Change of use from light industrial use (Class B1) to 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:**

1. The breach of planning control has occurred within the last 10 years.
2. 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.

**Council reference: EN17/1005**

3. 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.
4. 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.
5. 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.
6. 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.
7. 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 months** 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;
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 louver) 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. Reinstate the brick flank wall by closing the unauthorised openings with bricks to match the nearby areas of wall in terms of colour, texture, bond and mortar;
10. Make good the exterior of the Property following the completion of the above works.

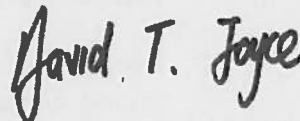
Council reference: EN17/1005

6. **WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on **13<sup>th</sup> July 2018** unless an appeal is made against it beforehand.

**DATED: 1<sup>st</sup> June 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**

Council reference: EN17/1005

**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**

Council reference: EN17/1005

## 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.

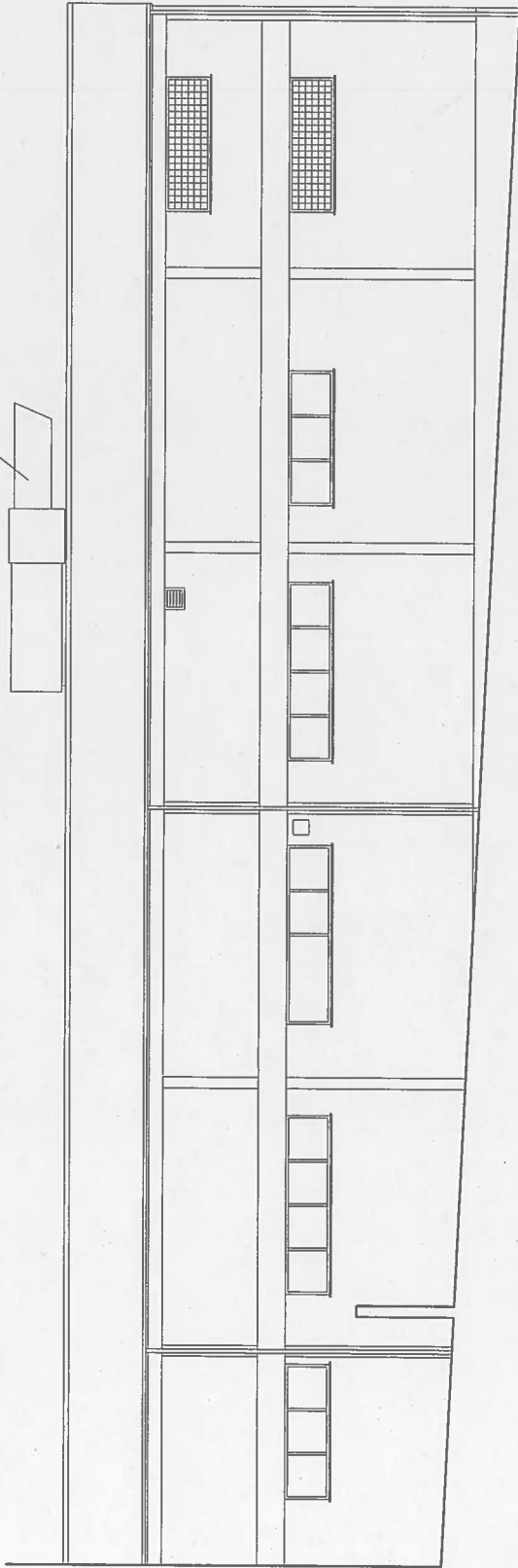
The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal

[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 **13<sup>th</sup> July 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.

Existing air handling  
plant on flat roof



Existing North Elevation



Rev	Date	Notes
Rev A	02/09/17	Additional info added

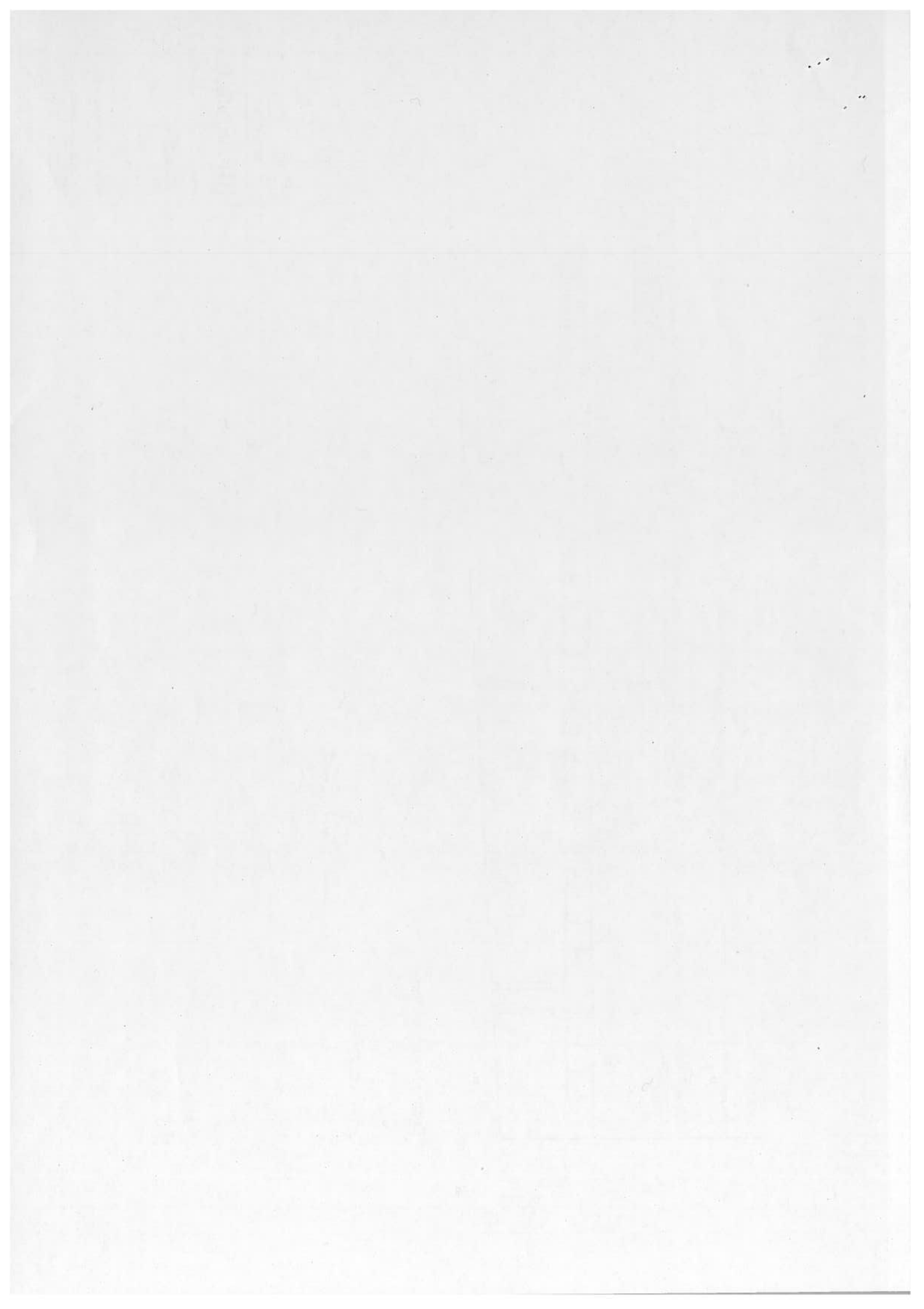
PLANNING

**LBF Architects**

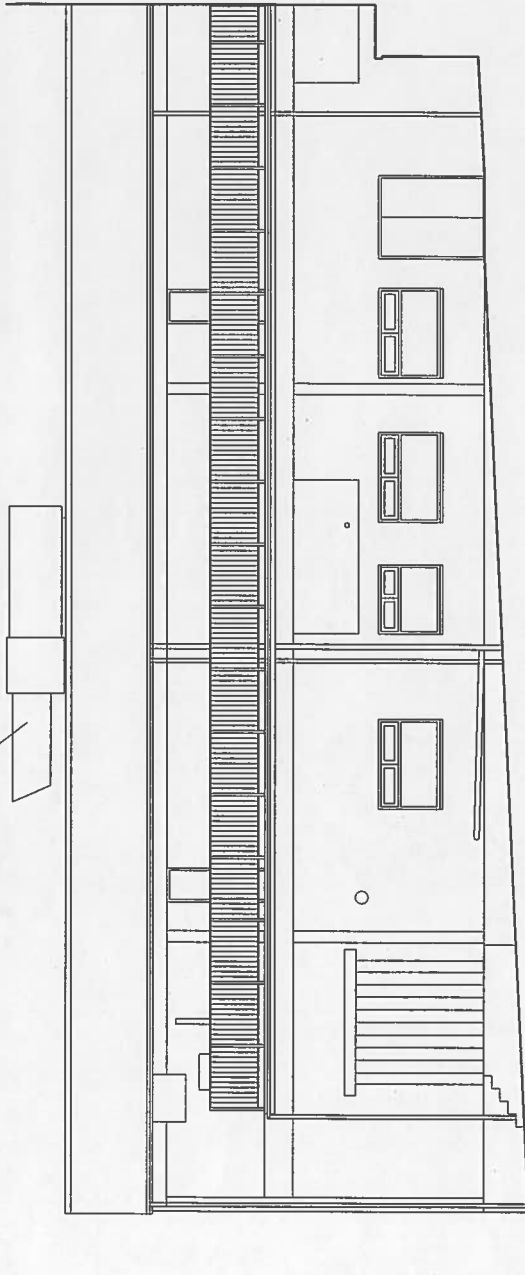
<b>Project:</b>	
117 FINCHLEY ROAD	
SWISS COTTAGE	
LONDON	
<b>Client:</b>	
DELIVEROO	
<b>Drawings:</b>	
EXISTING ELEVATIONS (SHEET 2 OF 2)	
<b>Scale:</b>	<b>Date:</b>
1:500/A1	04/07/2017
<b>Drawn:</b>	<b>Checked:</b>
MPH	DF
<b>DWG no.:</b>	<b>Rev</b>
2017-075-102	A

© 2017 LBF Architects. All rights reserved. No permission is given to reproduce or use any part of this drawing without the written consent of LBF Architects. This drawing is subject to the terms and conditions of the contract.



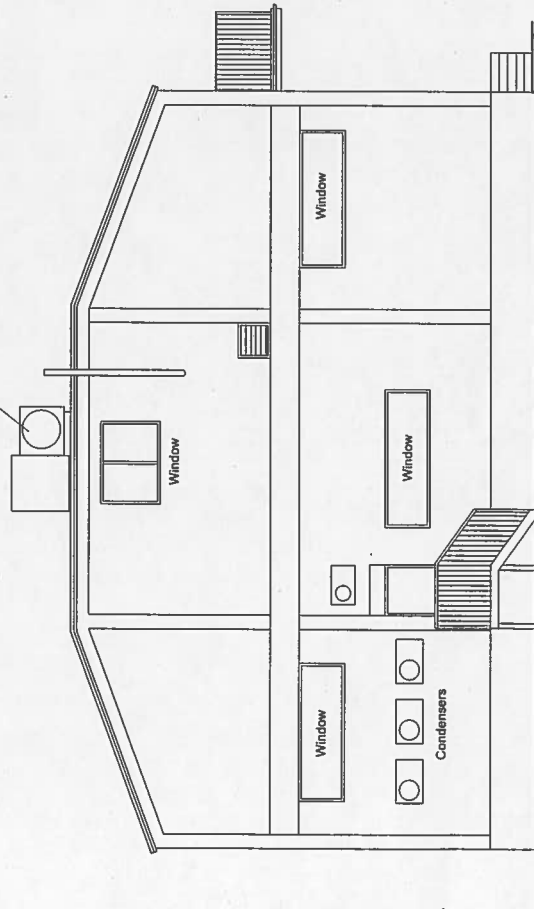


Existing air handling plant on flat roof



Existing South Elevation

Existing air handling plant on flat roof



Existing West Elevation

Rev	Date	Notes
Rev A	02/09/17	Submitted for approval

PLANNING

**IBF Architects**

Project:  
117 FINCHLEY ROAD  
SWISS COTTAGE  
LONDON

Client:  
DELVEROO

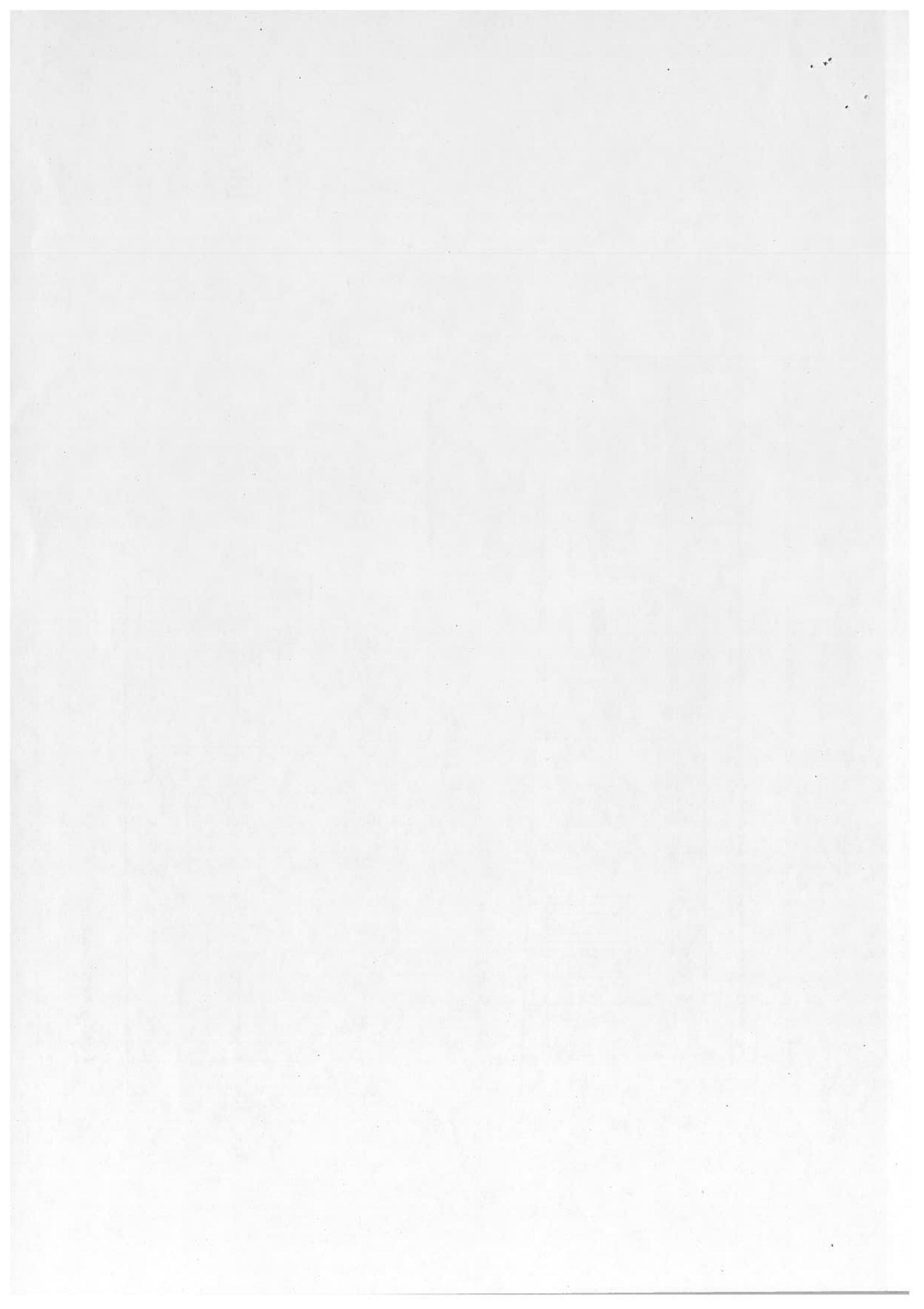
Drawing:  
EXISTING ELEVATIONS (SHEET 1 OF 2)

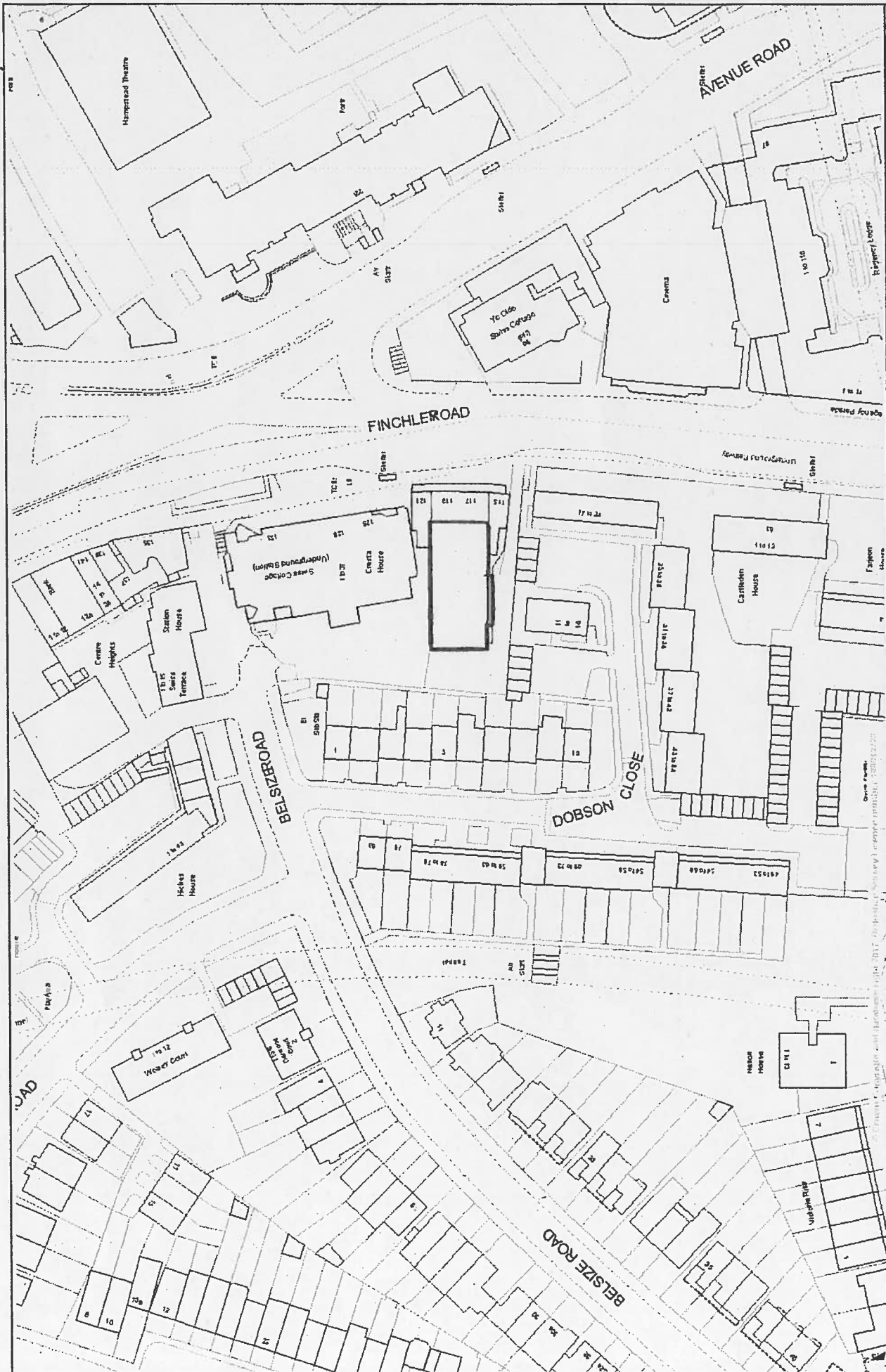
SCALE	DATE	DESIGNER	CHECKER	DATE
1:500	01/07/17	CLF	CLF	JULY 2017

Rev: \_\_\_\_\_

2017-075-101

A





Date 21/5/2018

Scale 1/1250  
Centre = 526580 E 184263 N

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



