

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:

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: **Beaufort Court, 65 Maygrove Road, London, NW6 2DA** 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: 2012/5934/ Redevelopment of the site to provide 91 residential units (12 affordable and 79 market tenure, Class C3) in a building comprising basement, ground and four upper storeys, with basement parking (access via Maygrove Road) and associated hard & soft landscaping (following the demolition of office and residential buildings at 65 and 67 Maygrove Road).

4. THE BREACH OF CONDITION

The following condition has not been complied with:

Condition 12 of the planning permission namely: of the planning permission granted on 21/02/2013 (Ref: 2012/5934/P). The development hereby permitted shall be carried out in accordance with the following approved plans:

"Site location plan; A_MRH_2001 A Existing Ground Floor; A_MRH_2002 A Existing First Floor; A_MRH_2003 A Existing Second Floor; A_MRH_2004 A Roof Plan; A_MRH_2010 A Existing Site Plan; A_MRH_2015 A Topographical Survey; A_MRH_2040 D Demolition Plan; A020 Existing Elevation; A030 Existing Sections CC-DD; A031 Existing Sections AA-BB; A_MRH_3002 E Tree Locations; A_MRH_4020 A Level Comparisons; A_MRH_5010 A Proposed Typical Flats (02_11)(02_13); A_MRH_5011 A Proposed Typical Flats (02_05)(02_17); A_MRH_5012 A Proposed Typical Flats plan for energy modeling; A_MRH_5013 A Proposed Typical Wheelchair Accessible Unit; A_MRH_3000

A Proposed Location Plan; A_MRH_3001 A Proposed Site Plan; A_MRH_9012 J Accommodation schedule; A_MRH_4000 M Proposed South and North Street Elevation; A_MRH_4001 G Proposed East + West elevation; A_MRH_4002 C Proposed Street Elevation; A_MRH_4005 C Proposed South Elevation no Basement; A_MRH_4010 D Proposed section AA-BB; A_MRH_4012 C Proposed section DD-EE; A_MRH_4013 B Proposed section FF-GG; A_MRH_3111 F Proposed GEA Scope; A_MRH_3110 E Proposed GIA Scope; A_MRH_3105 E Proposed Roof Plan; A_MRH_3104 L Proposed Penthouse Floor Plan; A_MRH_3103 H Proposed Third Floor Plan; A_MRH_3102 H Proposed Second Floor Plan; A_MRH_3101 K Proposed First Floor Plan; A_MRH_3100 P Proposed Ground Floor Plan; A_MRH_3099 N Proposed Basement Floor Plan; A_MRH_2005 D GEA of existing buildings; A_MRH_3101 K Proposed First floor; A_MRH_3102 H Proposed Second Floor; SK013 A Communal Amenity Space Area; Basement Impact Assessment by Pringuer James November 2012 rev C Job no L994 with Appendices A (Mapping Data, B Structural Drawings, C to D; Energy Statement by Greengage Final version 02 October 2012; Air Quality Assessment by Entran Revision 2 dated 30/10/2012; Sunlight & Daylight Report by Schroeder's Begg Ref 1036/B dated October 2012; Site Specific Arboricultural Survey, Impact & Method Statement by Wassall Arb Services Dated 2nd Nov 2012; Biodiversity Assessment & Code for Sustainable Homes Ecology Report by Greengage, Final version dated Nov 2012. Code for Sustainable Homes Pre-Certification Framework Report FINAL by Greengage October 2012; Marketing Report dated Wed Dec 7 2011 and letter dated 25 Sept 2012 from David Matthews (Dutch & Dutch); Sustainability Statement by FINAL 02 by Greengage October 2012; Transport Assessment dated Jan 2013 by Paul Mew Associates".

Reason: The current 'as-built' lift enclosure is considered to present an overly-large and dominant feature, and is considered to be incongruous within its setting and detracts from the visual amenity of the immediate site surroundings and the area in general, and is thereby contrary to policy D1(Design) of Camden's Local Plan 2017.

The lift enclosure by reason of its size and location has resulted in the loss of outlook to the nearby and surrounding residential occupiers and is thereby contrary to policy A1 (Amenity) of Camden's Local Plan 2017.

The condition has been breached in that:

1. The lift enclosure has been built too high and is therefore not in accordance with the approved plans under application ref: 2012/5934/P and in particular drawing no 4012 Rev C.

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. Totally remove the unauthorised lift enclosure located at the rear of the site, or;
2. Make the lift enclosure comply with the planning permission granted on 21/02/2013 (Ref: 2012/5934/P), by lowering the height to the approved height as shown on approved drawing 4012 Rev C.

Period for compliance:-

Four (4) months 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: 11 July 2019

(Signed).....

Director of 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

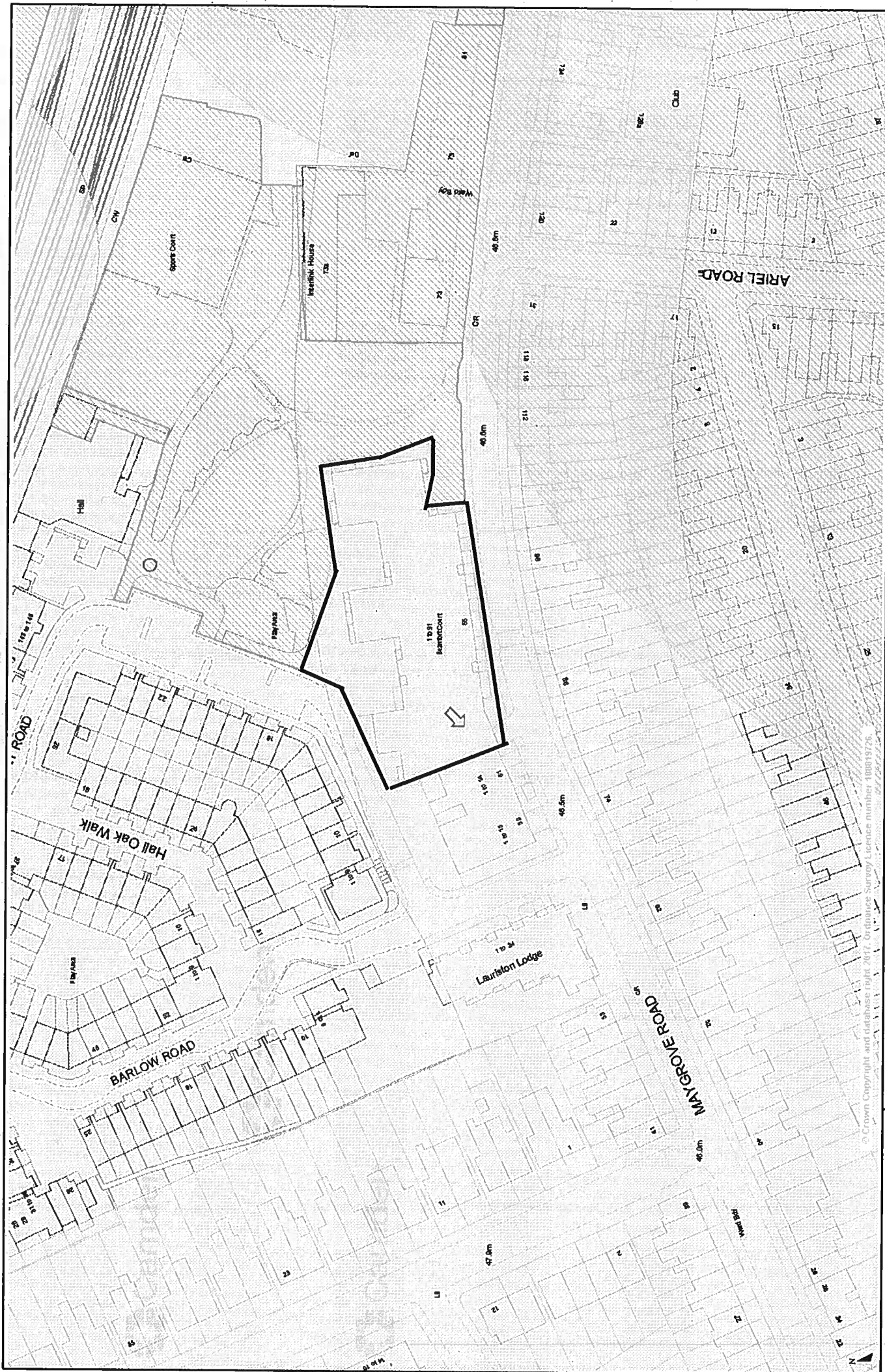
(b) where the notice was served on him by virtue of subsection (2) (), that he no longer had control of the land.

(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).



65 Maygrove Road, London NW6 2DA

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 = 524925 E 184788 N

Date 4/6/2019

