

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: JCDecaux UK Limited (Co. Regn. No 01679670) of 991 Great West Road,
Brentford, Middlesex, TW8 9DN**

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

Infocus Public Call Box (Ref: CAM7016MU) on land at: pavement outside 80-81 Tottenham Court Road, London shown edged red on the attached plan (“the Land”)

3. THE RELEVANT PLANNING PERMISSION

The relevant Planning Permission to which this Notice relates is the grant of planning permission pursuant to the development order and the grant of prior approval:

- (1) Phone call box installation on the Land is permitted pursuant to Part 16 Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015:

“A. Development by or on behalf of an electronic communications code operator for the purpose of the operator’s electronic communications network in, on, over or under land controlled by that operator or in accordance with the electronic communications code, consisting of –

(a) The installation, alteration or replacement of any electronic communications apparatus....”;

- (2) Prior approval was granted by the Planning Inspector by a decision letter dated 19 February 2019 under Planning Appeal Reference APP/X5210/W/18/3211171 for a telephone kiosk on land adjacent to no 80 – 85 Tottenham Court Road (original application for prior approval being submitted to the Council on 21 January 2018 under planning reference number 2018/0312/P and being refused by the Council on 15 March 2018).

4. THE BREACH OF CONDITION

The following conditions have not been complied with:

- (1) Permitted development right set out in Paragraph 3 of this Notice is a conditional right. Paragraph A.2 of Part 16 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, provides that:

“(2) Class A development is permitted subject to the condition that –

- (a) any electronic communications apparatus provided in accordance with that permission is removed from the land or building on which it is situated –*

(i)

(ii)as soon as reasonably practicable after it is no longer required for electronic communications purposes; and

- (b) such land or building is restored to its condition before the development took place, or to any other condition as may be agreed in writing between the local planning authority and the developer”.*

- (2) Paragraph 31 of the Planning Inspector’s decision letter dated 19 February 2019 reaffirms the requirement to comply with the above condition:

“Any approval granted for the installation of a public call box under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in paragraphs A.2(2), A.3(9) and A.3(11) and which specify that the development must, except to the extent that the Local Planning Authority (‘the LPA’) otherwise agree in writing, be carried out in accordance with details submitted with the application; must begin no later than the expiration of 5 years beginning with the date on which the LPA received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communication purposes and the land restored to its condition before the development took place.”

The condition has been breached in that:

1. The public call box on the Land is no longer required for electronic communications purposes and has not been removed in breach of paragraph A.2(2) of Part 16 Class A to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

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) Completely remove the public call box; and
- 2) Make good the pavement to match the surrounding surface

Period for compliance:-

Thirty (30) days 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: 16 February 2023

A handwritten signature in black ink, appearing to be 'DRP', is centered on the page.

(Signed).....

**Chief Planning Officer, Supporting Communities 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:

Katrina Lamont
katrina.lamont@camden.gov.uk
020 7974 3255

Appeals and Enforcement
Development Management
Supporting Communities
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.

Plan
The Land



Pavement outside 80 Tottenham Court Road, London W1T 7JE