

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: NWP Street Limited (Company Registration Number: 04413822) of 33 Golden Square, London, W1F 9JT

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

NWP Public Call Box (Ref: 0207 255 2147) on land at pavement outside 39-45 Tottenham Court Road, London shown shaded 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, namely Part 24 Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended):

“A. *Permitted development*

Development by or on behalf of a telecommunications code system operator for the purpose of the operator’s telecommunication system in, on, over or under land controlled by that operator or in accordance with his licence, consisting of—

(a) *the installation, alteration or replacement of any telecommunication apparatus...*”

4. THE BREACH OF CONDITION

The following condition has not been complied with:

Permitted development right set out in Paragraph 3 of this Notice is a conditional right. Paragraph A.2 of Part 24 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), provides that:

“(2) *Class A(a) ... development is permitted subject to the condition that any apparatus or structure provided in accordance with that permission shall be removed from the land, building or structure on which it is situated—*

(b) ... as soon as reasonably practicable after it is no longer required for telecommunication purposes,

and such land, building or structure shall be 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."

The condition has been breached in that:

1. The public call box installed on the Land pursuant to the Planning Permission is no longer required for electronic communications purposes and the said public call box has not been removed from the Land in breach of paragraph A.2(2) of Part 24 Class A to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995.

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



(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
Supporting Communities
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.

Plan
The Land

