

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990**

**BREACH OF CONDITION NOTICE**

**TO: Mr Serdin Yetik  
Flat 2, 11 Grove Road, Surbiton, Surrey, KT6 4BX**

ISSUED BY THE LONDON BOROUGH OF MERTON

1. **THIS IS A FORMAL NOTICE** issued by the Council under Section 187A of the above Act, because it considers that a condition imposed on a grant of planning permission relating to the land described below has not been complied with. The Council considers that you should be required to comply or secure compliance with the condition specified in this notice.

2. **THE LAND AFFECTED**

**Land at Ground Floor, 25 Leopold Road Wimbledon Park London SW19 7BB** in the London Borough of Merton shown edged red on the attached plan ('the Land').

3. **THE RELEVANT PLANNING PERMISSION**

Planning permission reference 97/P0357 was granted by the Council on 11 September 1997 for change of use of ground floor from retail (A1) use to restaurant takeaway (A3) use involving erection of a single storey rear extension, the installation of extract ductwork on rear elevation of building and installation of a replacement shop front, subject to conditions.

4. **THE BREACH OF CONDITION**

The following condition attached to planning permission reference 97/P0357 has not been complied with:

8. No food preparation or sale of food shall take place from the premises other than between the hours of 11.30am to 11.30pm Monday to Saturday and 11.30am to 10.30pm on Sundays.

**12 JAN 2009**

5. **WHAT YOU ARE REQUIRED TO DO**

As the person responsible for the breach of the condition specified in paragraph 4 of this notice, you are required to comply or secure compliance with the stated condition by taking the following steps:

1. Between the hours of 11.30pm to 11.30am (the following day) Monday to Saturday and between the hours of 10.30pm Sunday to 11.30am Monday:

- a) cease the preparation of food and serving customers on the Land and
- b) cease the use of the Land as a restaurant and/or takeaway

Time for compliance: within 28 days after this notice is served on you.

**6. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect immediately it is served on you.

Dated: 9<sup>th</sup> January 2009

Signed:.....  
For Interim Head of Civic and Legal Services

Address to which all communication should be sent:-  
Head of Civic and Legal Services, London Borough of Merton, Merton Civic Centre,  
London Road, Morden, Surrey SM4 5DX (Ref: ENVP1395)

**WARNING: THERE IS NO RIGHT OF APPEAL 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 £1,000.

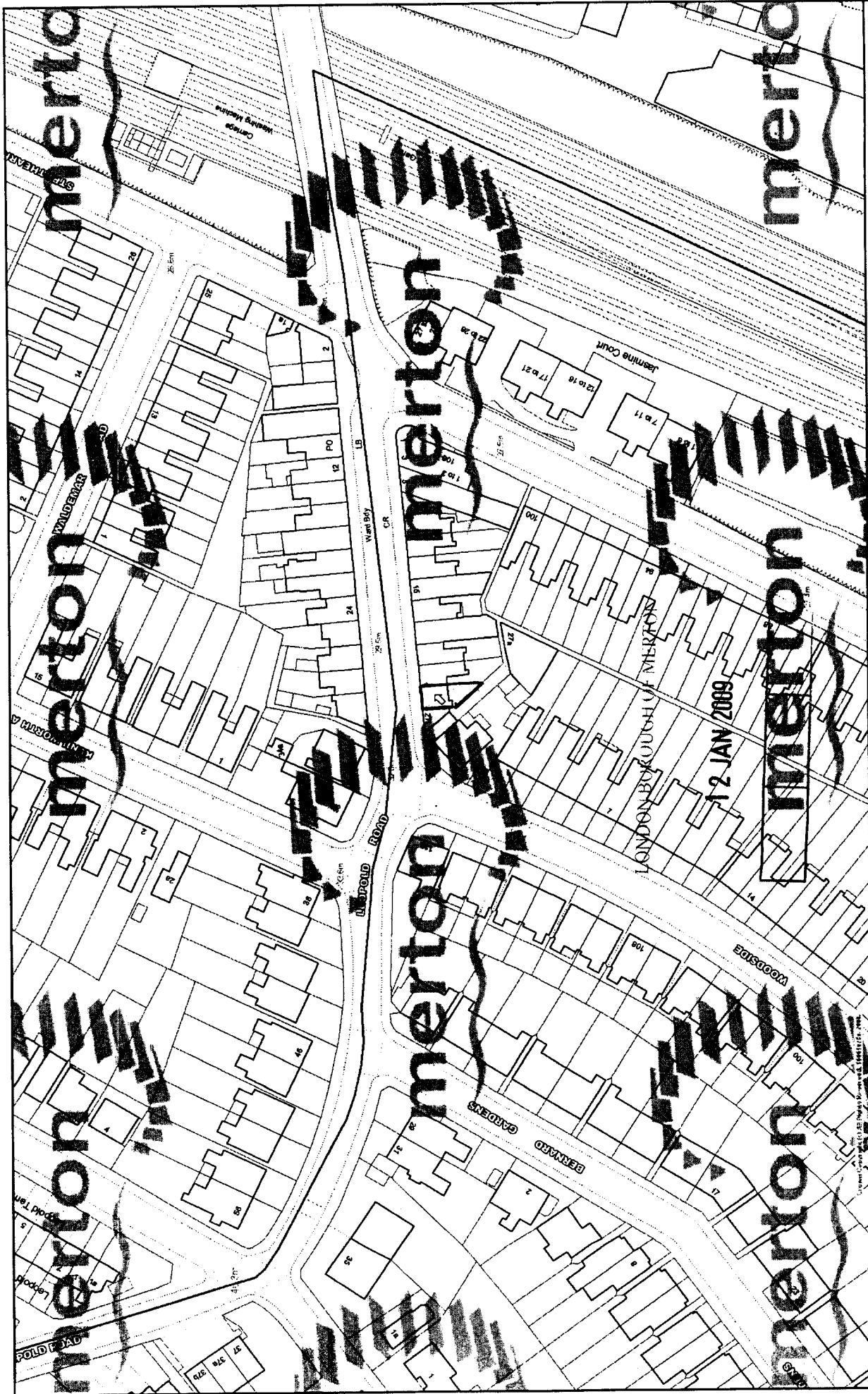
If you are in any doubt about what this notice requires you to do, you should contact the Council's Planning Enforcement Officer, **Zen Ridge** on **0208 545 4028**.

If you wish to challenge the validity of this notice, you may only do so by an application to the High Court for judicial review. A lawyer will advise you of what this procedure involves.

LONDON BOROUGH OF MERTON

**12 JAN 2009**

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London Borough of Merton  
 100 London Road  
 Morden  
 Surrey  
 SM4 5DX

Scale 1/1250  
 Date 25/9/2008  
 Zen Ridge

Kebab Delight, 25 Leopold Road  
 Wimbledon Park, SW19 7BB

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DEVELOPMENT CONTROL

LONDON BOROUGH OF MERTON

TOWN AND COUNTRY PLANNING ACT 1990.

Application No: 97/P0357

UPRN: 57/22/03873/0025/1/001

To: Mr Sedat  
7 York Gate  
London  
N14 6HS

From: Director of Environmental  
Services,  
London Borough of Merton,  
Civic Centre,  
London Road,  
Morden,  
Surrey SM4 5DX

The London Borough of Merton as Local Planning Authority HEREBY GRANTS planning permission for the development specified in the First Schedule below subject to compliance with the conditions specified in the Second Schedule below.

FIRST SCHEDULE

Particulars of Application Application number: 97/P0357

Date of Application: 11th April 1997

Drawing Number/s: 97/LR3 and 6963-01 received dated 8 August 1997.

LONDON BOROUGH OF MERTON

Location: 25 LEOPOLD ROAD LONDON SW19 7BB

Proposal: CHANGE OF USE OF GROUND FLOOR FROM RETAIL (A1) USE TO RESTAURANT/TAKE AWAY (A3) USE INVOLVING ERECTION OF A SINGLE STOREY REAR EXTENSION, THE INSTALLATION OF EXTRACT DUCTWORK ON REAR ELEVATION OF BUILDING, AND INSTALLATION OF A REPLACEMENT SHOP FRONT.

12 JAN 2009

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SECOND SCHEDULE

- 1 The developments to which this permission relates shall be begun not later than the expiration of 5 years, beginning with the date of this permission.  
  
Reason for condition: To comply with Section 91 of the Town & Country Planning Act 1990.
- 2 The facing materials to be used for the external surfaces of the building/extension hereby approved shall be those specified in the approved drawing 97-LR3 or planning application form unless otherwise agreed in writing by the Local Planning Authority.  
  
Reason for condition: To ensure a satisfactory appearance of the development.
- 3 Details of boundary treatment shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and shall be in place prior to the occupation of the buildings hereby approved/

commencement of the use and permanently maintained thereafter.

Reason for condition: To ensure adequate security and a satisfactory appearance of the completed development.

- 4 Details of proposals for the storage and disposal of refuse shall be submitted to and approved in writing by the Local Planning Authority before the development commences. These facilities shall be provided in full accordance with the approved details before any permitted use starts and permanently maintained thereafter.

Reason for condition: To ensure the satisfactory provision of refuse storage and collection facilities, in order to protect the amenities of the area.

- 5 Details of plans and materials to be used for sound insulation between the restaurant/takeaway use hereby approved and the first floor flat shall be submitted to and approved by the Local Planning Authority and installed prior to the commencement of the use.

Reason for condition: To protect the amenities of occupiers of neighbouring residential properties.

- 6 No demolition or construction work in pursuant of this permission shall be carried out on or before 08.00 hours or after 1800 hours on Mondays to Fridays inclusive, before 0800 hours or after 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.

Reason for condition: To safeguard the amenities of the occupiers of neighbouring residential properties.

- 7 The application premises shall not be used as a public house, wine bar or other establishment including the consumption of alcoholic drink without a meal on the premises, and shall only be used as a restaurant where the consumption of drink is integral to the restaurant activity taking place from the restaurant.

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Reason for condition: To safeguard the amenity of the locality and community safety, in accordance with Policy S16 of the Merton Unitary Development Plan 1996.

- 8 No food preparation or sale of food shall take place from the premises other than between the hours of 11.30am to 11.30pm Monday to Saturday and 11.30am to 10.30pm on Sundays.

Reason for condition: To protect the amenities of adjoining residential occupiers.

- 9 All existing original architectural features on the shop front and front of the building, particularly corbels, pillars, cornices, frieze, mouldings or other ornamentation, shall at all times be protected and

maintained to the satisfaction of the Local Planning Authority.

Reason for condition: In order to protect the visual amenities of the building and surrounding area.

- 10 The extract ductwork hereby permitted shall be installed and maintained in accordance with the manufactures specifications and to the satisfaction of the Local Planning Authority.

Reason for condition: To protect the amenities of occupiers of adjoining residential properties.

- 11 Measures for improving access for disabled persons to the primary entrance of the A3 premises hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and installed prior to the use hereby permitted commences, and thereafter permanently maintained.


Reason for condition: To ensure satisfactory access to the premises for disabled persons.

- 12 The premises shall not be used for the sale of hot food for consumption on the premises, including mixed uses where part of the use of the premises is for consumption of food off the premises.

Reason for condition: To ensure that the use does not increase demand for on-street car parking and waiting to the detriment of pedestrian and highway safety, not impact on amenity and the viability and vitality of the shopping area.

11th September 1997

Signed.....



on behalf of the Council.

Note: Any permission given herein relates only to the development under the Town and Country Planning Acts. Consent under Building Regulations may also be necessary. It is emphasised that no variation from the deposited plans or particulars will be permitted unless previously authorised in writing by the London Borough of Merton.

Please read attached notes.

LONDON BOROUGH OF MERTON

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**NOTES REGARDING RIGHTS OF APPEAL**

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval for the proposed development, or to grant permission of approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act, 1990 within six months from the date of this notice. Appeals must be made on a form which is obtainable from the Department of the Environment at Tollgate House, Houlton Street, Bristol BS2 9DJ. A copy of the appeals forms should also be forwarded simultaneously of the Chief Executive's Department, London Borough of Merton, 8th Floor, Civic Centre, London Road, Morden, Surrey SM4 5DX.
2. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise that subject to the conditions imposed by them, having regard to the statutory requirement (see note below), to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given to him.
3. If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Local Planning Authority in which the land is situated a purchase notice requiring the authority to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act, 1990.
4. In certain circumstances a claim may be made against the Local Planning Authority for compensation where permission is refused or granted, subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act, 1990.

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**NOTE:**

The statutory requirements are those set out in Section 79 (6) of the Town and Country Planning Act, 1990, namely Sections 70 (I) & 72 (I) of the Act.

LONDON BOROUGH OF MERTON

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**12 JAN 2009**

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