

**DUPLICATE COPY**

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

TOWN AND COUNTRY PLANNING ACT 1990  
(as amended by the PLANNING AND COMPENSATION ACT 1991)  
(hereinafter referred to as "the Act")

## **BREACH OF CONDITION NOTICE**

ISSUED BY: **THE COUNCIL OF THE LONDON BOROUGH OF MERTON**  
(hereinafter referred to as "the Council")

To: Ms. Ai Lian Wei  
4 Humstel Court  
Garnies Close  
Peckham  
London SE15 6LN

Mrs. Ai Jun Hoang  
78 Gosterwood Street  
Depford  
London  
SE8 5NY

1. THIS IS A FORMAL NOTICE which is 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 in Paragraph 2 below has not been complied with. The Council considers that you should be required to comply with the condition specified in Paragraph 4 of this notice.

2. THE LAND TO WHICH THE NOTICE RELATES

The land and premises being a restaurant situated on the ground floor at 21 Abbotsbury Road Morden London and shown edged red on the attached plan [hereinafter "the Land"].

3. THE RELEVANT PLANNING PERMISSION

The relevant planning permission to which this notice relates is the permission granted by the Council on 10<sup>th</sup> May 2002 ref. 01/P2652 for the change of use from Class A2 to Class A3 of the Town and Country Planning (Use Classes) Order 1987.

4. BREACH OF CONDITION

The following condition No.5 of the said planning permission has not been complied with:-

- (a) The use hereby permitted shall not commence until full particulars and details of a scheme for the ventilation of the premises, to an appropriate outlet level including details of sound attenuation for any necessary plant and the standard of odour control expected, has been submitted to and approved by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any approval given.

5. WHAT YOU ARE REQUIRED TO DO

As the person responsible for the breach of condition specified in Paragraph 4 of this Notice, you are required to comply with the stated condition by taking the following steps:-

- (a) Submit to the Council as the Local Planning Authority full details and particulars of a scheme of ventilation for your restaurant on the Land; and
- (b) Ensure that all such particulars submitted in compliance with (a) above include details of sound attenuation for any plant and equipment forming the ventilation scheme and details of the standard of odour control expected from the proposed ventilation scheme; and
- (c) Remove from the Land the existing unauthorised ventilation system and replace it with the ventilation system submitted to and approved by the Council pursuant to (a) and (b) above; and
- (d) Remove from the Land all materials, plant, equipment and debris resulting from the removal of the existing unauthorised ventilation system.

And ceasing the following activities:-

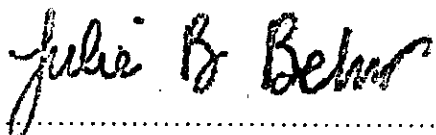
- (e) Cease to use the Land for any use within Class A3 of the Town and Country Planning (Use Classes) Order 1987 until/unless all the requirements listed (a) to (d) inclusive above have been complied with.

**Time for compliance:** 90 days beginning with the day on which this notice is served on you.

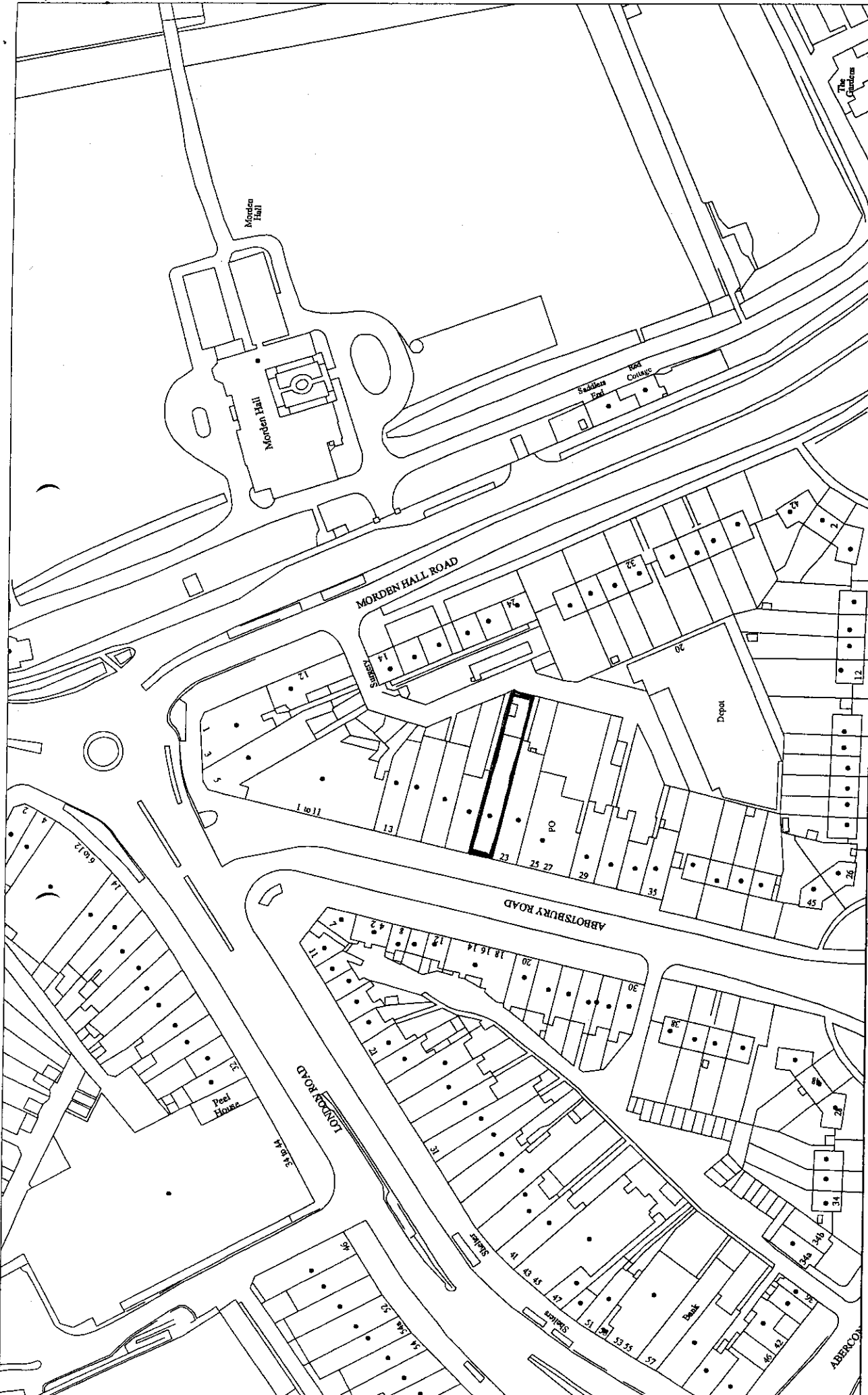
6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect **immediately** it is served on you or you received it by postal delivery.

Dated the 25<sup>th</sup> August 2003

Signed.....  
  
Julie Belvir, Head of Legal Services

London Borough of Merton  
Legal Services Ref: SB/2002p1034  
Merton Civic Centre  
London Road  
Morden  
Surrey  
SM4 5DX



21 Abbotsbury Road  
 Morden, Surrey  
 SM4 5LJ

**LONDON BOROUGH OF MERTON**  
**Environmental Services Department**  
 Civic Centre, London Road, Morden, Surrey, SM4 5DX  
 Telephone: 020 8543 2222 Web: www.merton.gov.uk

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