

**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**

**ISSUED BY:** the London Borough of Havering; herein after referred to as "the Council".

**TO:**

The Owner / Occupier; 160 Balgores Lane, Romford, RM2 6BS

Mr Orhan Top; 160 Balgores Lane, Romford, RM2 6BS

Kervan Saray; 160 Balgores Lane, Romford, RM2 6BS

Mr Jun Simon; 167 Stoke Newington Road, London, N16 8BP

Ali Top; 26 Nightingale Road, London N9 8AL.

Boudiou Limited; 160 Balgores Lane, Romford, RM2 6BS

Baris Grill Ltd; 160 Balgores Lane, Romford, RM2 6B

Aydin Kilnic; 160 Balgores Lane, Romford, RM2 6BS

Hidir Karaarslan; 160 Balgores Lane, Romford, RM2 6BS

Oz Kervansaray Limited; 160 Balgores Lane, Romford, RM2 6BS

Ali Top; 160 Balgores Lane, Romford, RM2 6BS

Mr Savas Firat; 160 Balgores Lane, Romford, RM2 6BS

Peter Jeffrey Slade; 38 Brookside, Hornchurch, RM11 2RS

Laureen Jessie Slade; 38 Brookside, Hornchurch, RM11 2RS

1. **THIS IS A FORMAL NOTICE** which is issued by the Council, under section 187A of the above Act because they consider that conditions 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 conditions specified in this notice. The Annex at the end of this notice contains important additional information.

2. **THE LAND AFFECTED BY THE NOTICE**

The land at 160 Balgores Lane, Romford, RM2 6BS, as shown EDGED BLACK on the attached plan.

3. **THE RELEVANT PLANNING PERMISSION**

The relevant planning permission to which this notice relates was granted by the Council under a planning application with reference P0666.10. The application was for "*Change of use from A1 to A3 and provision of extraction flue*", and was granted with conditions on the 16<sup>th</sup> October 2010.

#### 4. THE BREACH OF CONDITION

The following conditions have not been complied with:-

- (5) *Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse awaiting collection according to details which shall previously have been agreed in writing by the Local Planning Authority.*
- (6) *Before the use commences suitable equipment to remove and / or disperse odours and odorous material should be fitted to the extract ventilation system in accordance with a scheme to be designed and certified by a competent engineer and after installation a certificate to be lodged with the Planning Authority. Thereafter, the equipment shall be properly maintained and operated within design specifications during normal working hours.*

*The level of dispersion has been calculated based upon an estimation of intended use scale and nature of the business and has been determined as discharge 1 metre above ridge at 15m/s. Odour control should be implemented as described in guidance issued by the environmental health department to the level required by the level of likely nuisance.*

#### 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:

(i) You must:

- (a) Submit to the Council a scheme detailing the storage of refuse awaiting collection that is then approved by the Local Planning Authority, AND have this implemented on site.
- (b) Submit a certificate with the Planning Authority that confirms that suitable equipment to remove and / or disperse odours and odorous material has been fitted to the extract ventilation system in accordance with a scheme that has been designed and certified by a competent engineer.

Period of compliance with steps (i), (i)(a) and (i)(b): 28 days beginning with the day on which this notice is served upon you.

**If, after the period of compliance, the steps outlined above [steps (i), (i)(a) and (i)(b)] are NOT met to the satisfaction of the Council, the use of the property as a restaurant (A3 use) shall cease.**

6. **WARNING**

**THIS NOTICE TAKES EFFECT IMMEDIATELY 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 COMMUNITIES AND LOCAL GOVERNMENT AGAINST THIS NOTICE**



**Signed:**

Authorised Officer

**Dated:**

11<sup>th</sup> August 2017

**On behalf of:**

The Mayor and Burgesses of the London Borough of Havering;  
Town Hall, Main Road, Romford, RM1 3BD

**Nominated Officer:** Sam Cadman

**Telephone Number:** 01708 434798

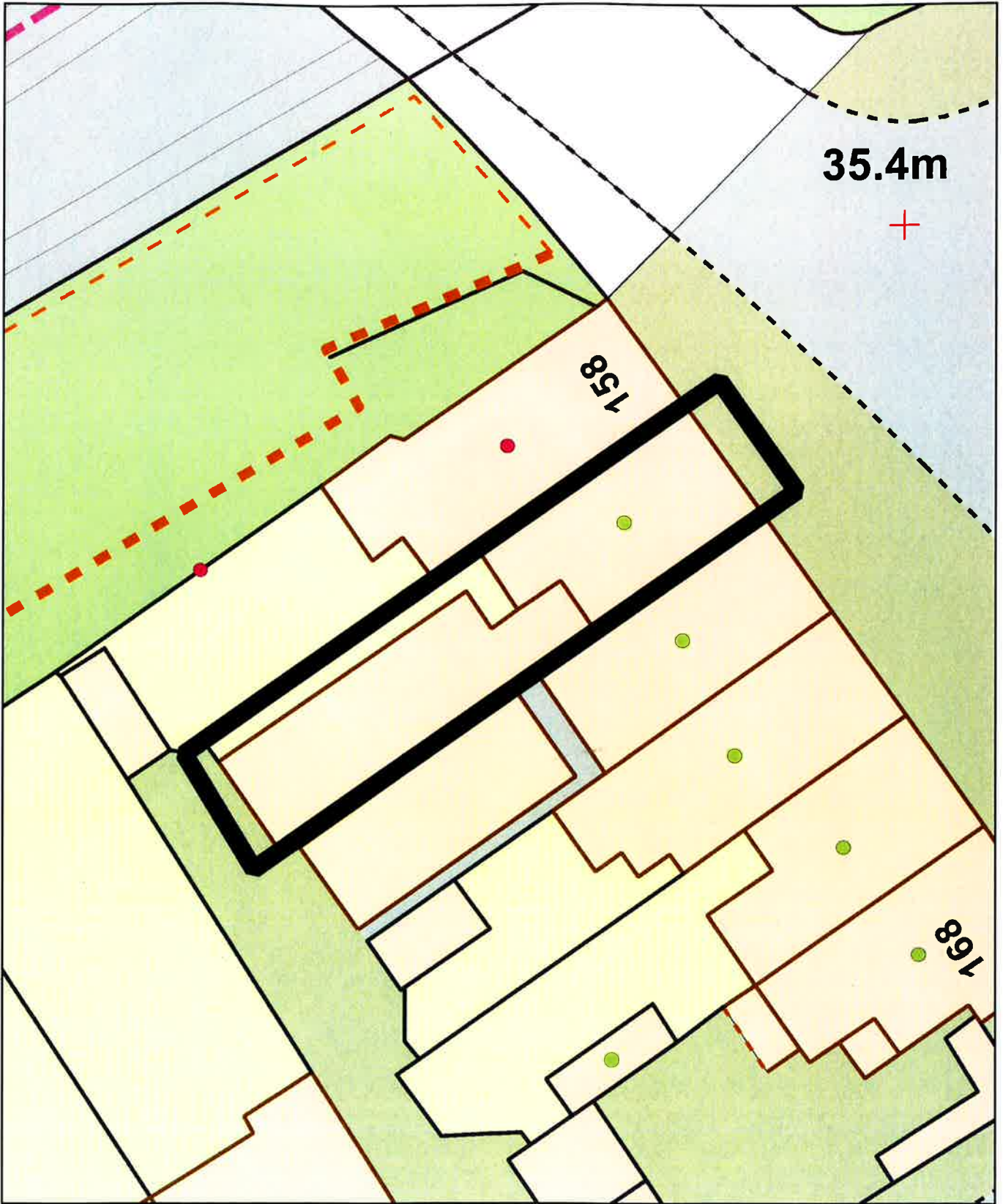
**ANNEX**

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 Level 4 on the standard scale (currently £2,500) for a first offence and for any subsequent offence. If upon summary of conviction you are found guilty, you will have committed a criminal offence and will have a criminal record.

If you are in any doubt about what this notice requires you to do, you should get in touch immediately with the case officer **Sam Cadman**, Enforcement and Appeals Technician; Mercury House, Mercury Gardens, Romford, RM1 3SL (01708 434 798).

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. A lawyer or solicitor will advise you on what this procedure involves.

**DO NOT LEAVE YOUR RESPONSE TO THE LAST MINUTE**



160 Balgores Lane, Romford, RM2 6BS



Scale: 1:250  
 Date: 11 August 2017

**Havering**  
 LONDON BOROUGH

London Borough of Havering  
 Town Hall, Main Road  
 Romford, RM1 3BD  
 Tel: 01708 434343

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