

**THE LONDON BOROUGH OF CAMDEN**  
**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**  
**ENFORCEMENT NOTICE**

**OF 43 South End Road**  
**London**  
**NW3 2PY**

1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to them that there has been a breach of planning control, under Section 171 A (1) (a) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Explanatory Note at the end of the Notice and the enclosures to which it refers contain important additional information.

2. **THE LAND AFFECTED**

**Land at: 43 South End Road, London, NW3 2PY**

as shown, for the purposes of identification only, outlined in black on the attached plan.

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

**Without Planning Permission:** Failure to comply with condition 2 of the planning permission granted 06/02/2003 reference number PWX0202731, namely;

The use hereby permitted shall not begin until full details of the scheme for the ventilation of and the extraction of fumes from the premises to an adequate outlet level, including details of sound attenuation for any necessary plant have been submitted to and approved by the Council and the development shall not be carried out otherwise than in accordance with any approval given.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies ER2, EN1, EN6 and SH18 of the London Borough of Camden Unitary Development Plan 2000.

4. **REASONS FOR ISSUING THIS NOTICE:**

- a) It appears to the Council that the above breach of planning control has occurred within the last 10 years:
- b) That the current fume extract and ventilation system causes a loss of amenity through odour and noise nuisance to neighboring residential occupiers contrary to policy Core Strategy policy CS5 - Managing the impact of growth and development

and development policies DP12 - Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses and DP26 - Managing the impact of development on occupiers and neighbours of the London Borough of Camden Local Development Framework 2010.

**The Council do not consider that planning permission should be given because planning conditions could not overcome these problems.**

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

The Notice shall require that within a period of **one month** of the Notice taking effect:

- (a) To cease the use of the property as a restaurant (Class A3) unless and until:
- (i) a scheme detailing ventilation and the extraction of fumes from the premises including details of sound attenuation for any necessary plant has been submitted to the Council for its approval within one month from the date on which the Notice takes effect and subsequently is approved by the Council (as evidenced in writing); and
  - (ii) the scheme approved pursuant to paragraph (i) has been installed and implemented to the satisfaction of the Council within **one month** of the approval; and
  - (iii) the scheme approved pursuant to paragraph (i) and installed and implemented pursuant to paragraph (ii) is retained and maintained in effective operational order and is operating to the Council's satisfaction".

**Compliance due date: 21 February 2013**

**6. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on **21 January 2013** unless an appeal is made against it beforehand.

**DATED: 10 December 2012**

Signed.....

Head of Legal Services, on behalf of the London Borough of  
Camden, Town Hall, Judd Street, London WC1H 9LP.

**THIS ENFORCEMENT NOTICE HAS BEEN SERVED ON:**

1. Owner  
43 South End Road  
London  
NW3 2PY
2. Occupier  
43 South End Road  
London  
NW3 2PY
3. Naeem Akhtar  
43 South End Road  
London  
NW3 2PY
4. Mohammed Yunis Soroya/Mumtaz Akhtar Yunis Soroya  
12 Moss Hall Crescent  
North Finchley  
London  
N12 8NY
5. Deutsche Bank AG  
Winchester House  
1 Great Winchester Street  
London EC2N 2DB
6. HSBC Bank PLC (Co.Regn.No.14259)  
70 Pall Mall  
London  
SW1Y 5EZ
7. HSBC Bank PLC  
8 Canada Square  
London  
E14 5HQ
8. Naeem Akhtar  
20 Albert Road  
Dagenham, Essex  
RM8 1LR

If you believe that there is someone else who should be served or any of those listed above has not received a copy of the notice or any other document please let that person and the Council know of this omission as soon as possible.

**Note Pursuant to Regulation 5 of the Town and Country (Enforcement Notices and Appeals) (England) Regulations 2002**

If you appeal against the notice on Ground (a) "That planning permission should be granted for what is alleged in the enforcement notice, or that the condition which is alleged not to have been complied with should be discharged" there is a fee payable under Regulation 10 of the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989 for the deemed application for the planning permission for the development alleged to be in breach of planning control in the enforcement notice.

The fee is payable both to the "Department for Communities and Local Government" for the Planning Inspectorate appeal, and also to the "London Borough of Camden", as the Local Planning Authority.

If you wish to appeal under Ground (a), the fee payable to the "Department for Communities and Local Government" should accompany the copy of the appeal form sent to the:  
**Planning Inspectorate, PO Box 326, Bristol BS99 7XF. The fee is £195.00**

The fee payable to the "London Borough of Camden" should accompany the copy of the appeal form sent to the Council at the following address:  
**Culture and Environment Department, Planning Services, London Borough of Camden, Argyle Street, London WC1H 8EQ. The fee is £195.00**

## **ANNEX YOUR RIGHT OF APPEAL**

You can appeal against this notice, but any appeal must be received or posted in time to be received by the Secretary of State before **21 January 2013**.

- (a) Send a copy of your appeal to the Secretary of State if you decide to appeal, together with a copy of this enforcement notice.
- (b) Send a second copy of the appeal form and notice to the Council at:

**Planning Services  
Culture and Environment Department  
London Borough of Camden  
Town hall  
Argyle Street  
London WC1H 8EQ**

## **WHAT HAPPENS IF YOU DO NOT APPEAL**

If you do not appeal against this enforcement notice, it will take effect on **21 January 2013**, and you must then ensure that the required steps for complying with it, for which you may held responsible, are taken within the period specified in the notice. Failure to comply with an enforcement notice, which has taken effect, can result in prosecution and/or remedial action by the Council.

## **Fees**

If you appeal against the notice on Ground (a) "That planning permission should be granted for what is alleged in the enforcement notice, or that the condition which is alleged not to have been complied with should be discharged", there is a fee payable under Regulation 10 of the Town and Country Planning (Fees for Applications and Deemed Applications, Requests and Site Visits) (England) Regulations 2012

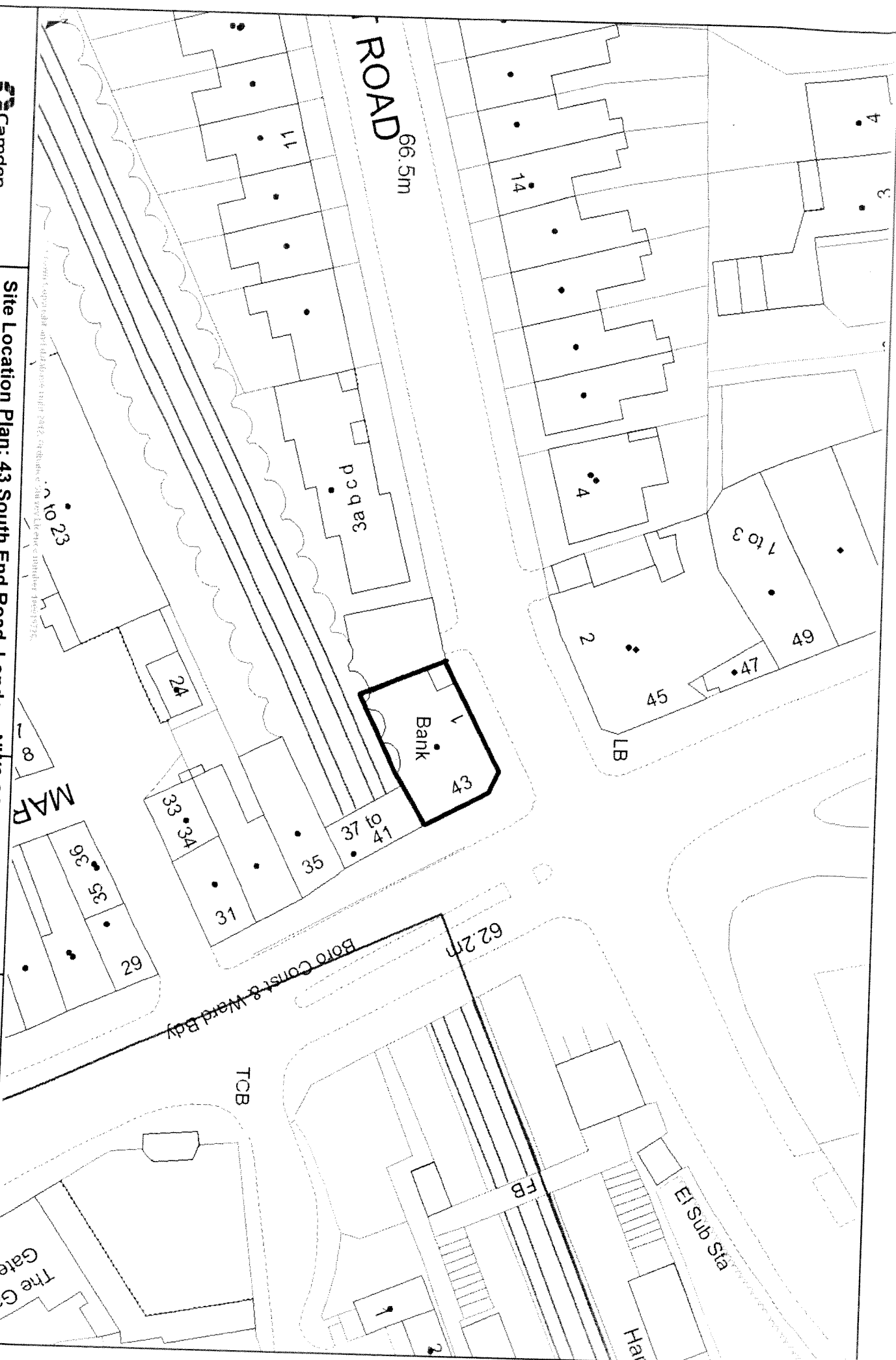
 Camden

Site Location Plan: 43 South End Road, London, NW8 3AA

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Centre = 527209 E 185616 N

Date 22/10/2012



Andrew Noy

Punjabi

ਜ਼ਰੂਰੀ: ਇਹ ਫਾਰਮ ਸਾਡੇ ਕੋਲ ਭੇਜਣ ਲਈ ਖਾਸ ਮਿਆਦ ਹੈ। ਇਸ ਮਿਆਦ ਦਾ ਸਮਾਂ ਪੂਰਾ ਹੋ ਜਾਣ ਤੋਂ ਪਹਿਲਾਂ ਇਹ ਫਾਰਮ ਸਾਡੇ ਕੋਲ ਲਾਜ਼ਮੀ ਤੌਰ ਤੇ ਪਹੁੰਚ ਜਾਣਾ ਚਾਹੀਦਾ ਹੈ। ਜੇ ਤੁਹਾਨੂੰ ਇਹ ਫਾਰਮ ਭਰਨ ਲਈ ਮਦਦ ਦੀ ਲੋੜ ਹੈ, ਤਾਂ ਅਸੀਂ ਤੁਹਾਨੂੰ ਸੁਝਾਉਂਦੇ ਹਾਂ ਕਿ ਤੁਸੀਂ ਇਹਦੇ ਬਾਰੇ ਕਿਸੇ ਤੋਂ ਸਲਾਹ ਲਓ।

Gujarati

મહત્વનું : અમને આ ફોર્મ મોકલવા માટે સમય મર્યાદા છે. આ સમય મર્યાદા પૂરી થાય તે પહેલાં અમને તે મળી જવું જ જોઈએ. જો તમને આ ફોર્મ ભરવા માટે મદદની જરૂર હોય તો અમે તમને સલાહ મેળવવાનું સૂચન કરીએ છીએ.

Hindi

आवश्यक : इस फॉर्म को हमारे पास भिजवाने की एक समय-सीमा है। उस समय-सीमा के बीतने से पहले हमें यह फॉर्म अवश्य मिल जाना चाहिए। यदि आपको इस फॉर्म को भरने में सहायता चाहिए, तो हमारा सुझाव है कि आप किसी की सलाह लें।

Urdu

اہم: اس فارم کو ہمیں بھیجنے کے لئے وقت کی ایک معیاد ہے۔ اس معیار کے گزرنے سے پہلے ہمیں یہ لازمی طور پر مل جانا چاہیے۔ اگر اس فارم کو بھرنے میں آپ کو مدد کی ضرورت ہے تو ہماری رائے ہے کہ آپ شورو حاصل کریں۔

Bengali

জরুরী: এই ফর্ম আমাদের কাছে পাঠানোর একটা সময়সীমা আছে। এই সময়সীমা শেষ হবার আগেই এটা অবশ্যই আমাদের কাছে পৌঁছাতে হবে। এই ফর্ম পূরণ করায় যদি আপনার সাহায্যের দরকার হয় তাহলে আমাদের পুস্তাব, কারো পরামর্শ নিন।

Chinese

重要通知: 把這份表格寄回給我們是有時間限制的。我們必須在時限過期之前收到這份表格。假若你需要別人幫助你填寫這份表格, 我們建議你尋求指導。

English

IMPORTANT: There is a time limit for sending this form to us. We must receive it before the time expires. If you need help filling in this form, we suggest you get advice.

