

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: HAVERING LONDON BOROUGH COUNCIL

- TO:**
1. Anthony Joseph Charles Allen and Janice Elaine Allen (Freeholders)
New Hall Farm, Horseman side, Navestock, Brentwood Essex CM14 5ST
 2. Shan Chadha, Cuckoo Fashions
245 Green Street, London E7 8LJ
 3. Ms Katerina Zinonos, Barracuda Restaurant & Takeaway
52 Station Road, Upminster RM14 2TU
 4. The Occupiers, Barracuda Restaurant & Takeaway
52 Station Road, Upminster RM14 2TU
 5. Company Secretary
The Flying Fish Point Ltd
6th Floor, Amp House, Dingwall Road, Croydon CR0 2LX
 6. The Occupiers, First Floor Flat
52 Station Road, Upminster RM14 2TU

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 below have not been complied with. It considers that you should be required to comply with the conditions specified in this notice.

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

The land and premises known as Barracuda Fish and Chips Restaurant at 52 Station Road, Upminster RM14 2TU, shown hatched black on the attached plan.

3. **THE RELEVANT PLANNING PERMISSION**

The relevant planning permission to which this notice relates is the permission granted by the Council on the 17th November 2011 for Change of use of ground floor from office to A3/A5 (Restaurant/Takeaway), conversion of first floor to a self-contained 2 bedroom flat, minor external alterations and extract flue to rear Council reference P1443.11

4. **THE BREACH OF CONDITIONS**

The following conditions have not been complied with:-

Condition 6 of planning permission P1443.11

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 approved in writing by the Local Planning Authority. Thereafter, the equipment shall be properly maintained and operated during normal working hours.

Reason: To protect the amenity of occupiers of nearby premises.

Condition 11 of planning permission P1443.11

No development shall take place until a scheme for external lighting has been submitted to and approved in writing by the Local Planning Authority in liaison with the Councils Crime Prevention Design Advisor. The scheme of lighting shall include the lighting of the rear service yard. The approved details shall be implemented in full prior to commencement of the hereby approved development and permanently maintained in accordance with the approved details.

Reason:-

In the interests of security and residential amenity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC61 and DC63.

Condition 12 of planning permission P1443.11

Prior to the first occupation of the flat hereby permitted, a scheme for resurfacing the rear service yard with permeable materials shall be submitted to and approved in writing by the Local Planning Authority in liaison with the Councils Crime Prevention Design Advisor. The approved details shall be implemented in full prior to commencement of the hereby approved development and permanently maintained in accordance with the approved details.

Reason:-

In the interests of security and residential amenity and in order that the development accords with the LDF Development Control Policies Development Plan Document Policies DC61 and DC63.

5. THE FOLLOWING ACTIVITIES ARE TO CEASE TO SECURE COMPLIANCE WITH THE CONDITIONS

- (1) Cease the use of 52 Station Road, Upminster as A3/A5 restaurant.
- (2) Cease use of the self-contained flat on the first floor.

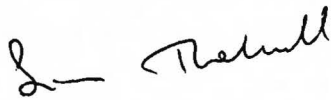
Time for compliance: 30 days beginning with the day on which the notice is served on you.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect immediately it is served on you or you receive it by postal delivery.

Dated: 10th June 2016

Signed:



Authorised Officer

On behalf of: The Mayor and Burgesses of the London Borough of Havering Town Hall
Main Road Romford RM1 3BD

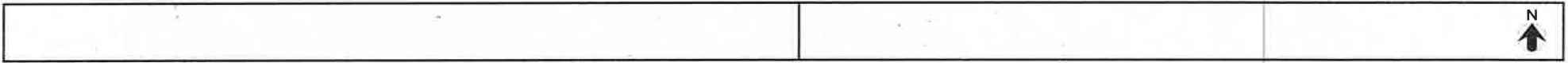
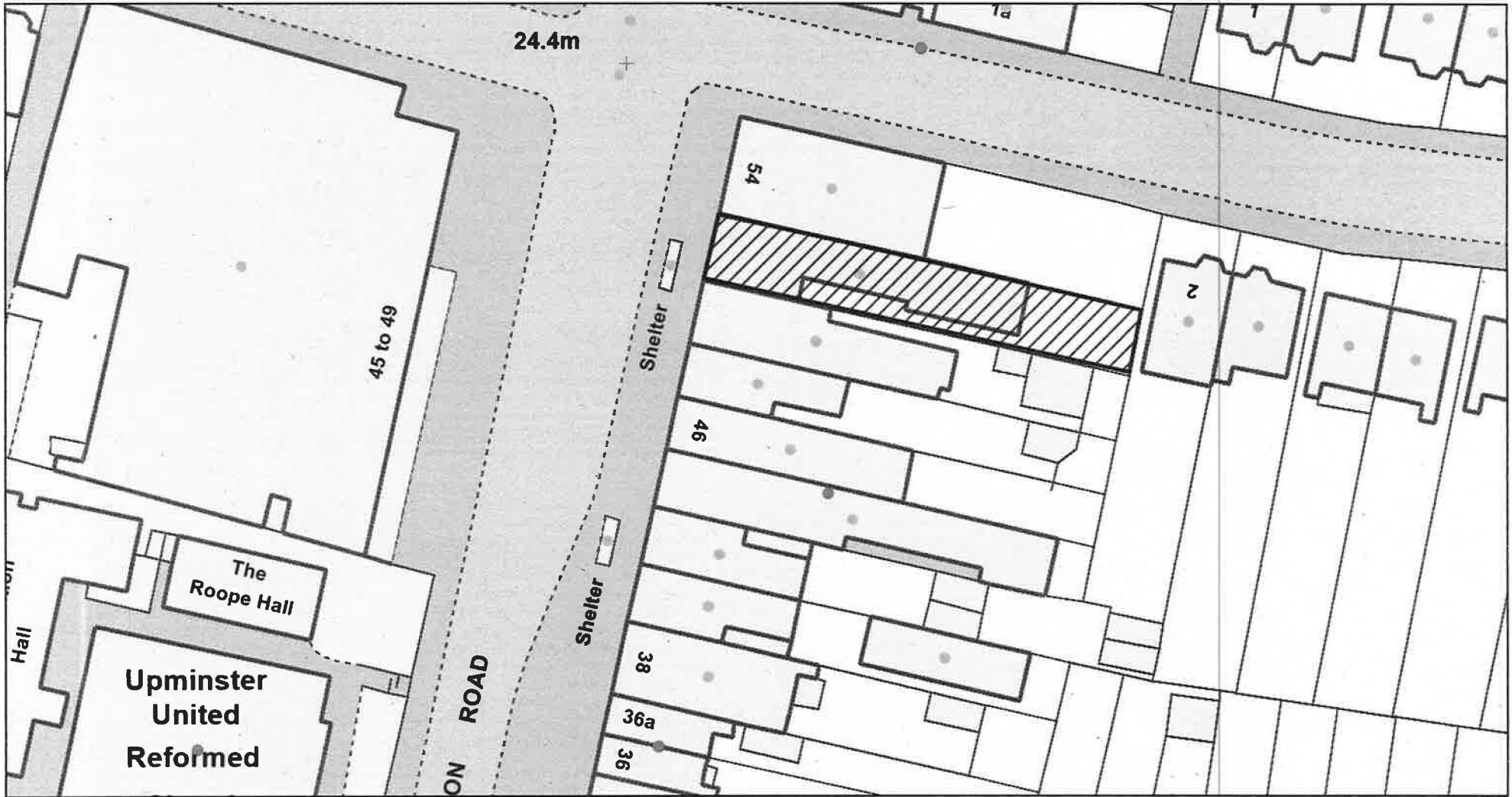
WARNING

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 for a first offence and for any subsequent offence. If you are in any doubt about what this notice requires you to do, you should get in touch immediately with the Planning Control Manager (Projects and Compliance), Mercury House, Mercury Gardens, Romford, RM1 3SL (01708 432685).

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 will advise you on what this procedure involves.

DO NOT LEAVE YOUR RESPONSE TO THE LAST MINUTE



	<p>Scale: 1:500 Date: 07 June 2016 Size: A4</p>
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Phil Jones

London Borough of Havering

Certificate of service

Notice under Delegated Powers

PLANNING CONTROL
16 JUN 2016

Type of Notice Served:	<input type="checkbox"/> Planning Contravention Notice <input type="checkbox"/> Enforcement Notice <input type="checkbox"/> Other (please specify): <i>Breach of Conditions Notice</i>
Land to which the notice relates to:	52 Station Road, Upminster RM14 2TU
Council's enforcement case reference number:	ENF/313/12/UP
Persons on which the notice is served, including method of service:	<p>Anthony Joseph C Allen and Janice Elaine Allen New Hall Farm, Horseman side, Navestock, Brentwood Essex CM14 5ST KX 3618 2524 8GB</p> <p>Shan Chadha, Cuckoo Fashions 245 Green Street, London E7 8LJ KX 3618 2529 6GB</p> <p>Ms Katerina Zinonos, Barracuda Restaurant & Takeaway 52 Station Road, Upminster RM14 2TU KX 3618 2526 5GB</p> <p>The Occupiers, Barracuda Restaurant & Takeaway 52 Station Road, Upminster RM14 2TU KX 3618 2528 2GB</p> <p>Company Secretary The Flying Fish Point Ltd 6th Floor, Amp House, Dingwall Road KX 3618 2527 9GB Croydon CR0 2LX</p> <p>The Occupiers, First Floor Flat 52 Station Road, Upminster RM14 2TU KX 3618 2525 1GB</p>
Key for method of service:	RM – Royal mail first class PL – Posted through the letterbox of the address HD – Hand delivered to named person at address Other, please specify: RECORDED DELIVERY ✓

Signed: *Phil Jones*
Position: *Principal Enforcement Officer*
Date: *15/6/2016*