

RE: Rainham Road Service Station 14 Rainham Road Rainham.

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

**TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)**

ENFORCEMENT NOTICE

- TO:**
1. The Owner of the said land
 2. The Occupier of the said land
 3. Mohinder Singh Choda, The Manse, 207 Lambourne Road, Chigwell, Essex, IG7 6JP
 4. Arjan Ahmetaj, Rainham Service Station Rainham Road, Rainham, Essex
 5. The Operator of the Car Wash at Rainham Road Service Station, 14 Rainham Road, Rainham, Essex.

ISSUED BY: London Borough of Havering

1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to the Council that there has been a breach of planning control, under Section 171A(1)(b) 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.

2. THE LAND AFFECTED

The former petrol filling station and associated land at 14 Rainham Road Rainham Essex shown edged black on the attached plan.

3. THE BREACH OF PLANNING CONTROL ALLEGED

Planning Permission was granted on appeal by the Planning Inspectorate on 26th January 2006 under Planning Reference P1212.05 for change of use to a hand car Wash area and car sales area , including the construction of a car wash bay at 14 Rainham Road Rainham in accordance with the terms of the application and the plans submitted therewith subject to conditions :

- (i) Under planning condition 5 whereby : " The washing or cleaning of vehicles shall only take place within the wash bay hereby approved and on no other part of the site".

Planning Condition 5 is being breached by the washing and cleaning of vehicles in the open taking place on other parts of the site and not in the wash bay hereby approved under the planning permission.

- (ii) Under planning condition 6 whereby : " Other than non-powered, portable hand tools, no equipment shall be used for the cleaning of vehicles on the site except in full accordance with a scheme first submitted to and approved by the local planning authority in writing to ensure that noise levels (expressed as the equivalent continuous sound level LAEQ (1 hour)) when calculated at the boundaries of No 1 Victory road and No 18 Rainham Road shall not exceed LA90 – 5dB".

Planning Condition 6 is being breached by the use of powered portable hand tools both within and outside of the washbay area hereby approved which would create unacceptable levels of noise as no scheme relating to noise has been submitted to or approved by the local planning authority in writing.

- (iii) Under planning condition 7 whereby : " Neither of the uses hereby permitted shall commence until the areas identified for customer and staff car parking on the submitted plans have been marked out in accordance with plans first submitted to and approved by the local planning authority in writing and those areas shall be permanently retained and shall not be used for any other purpose".

Planning Condition 7 is being breached as the areas dedicated to parking permanently for customer and staff car parking are being used as a sitting area and storage and not exclusively for parking as stated above.

- (iv) Under planning condition 9 whereby : " Notwithstanding the details shown on the submitted plans, the hand car wash use hereby permitted shall not commence until works to enable the drainage of the wash bay hereby approved have been carried out in accordance with details to be submitted to and approved in writing by the local planning authority ".

Planning Condition 9 has not been fully discharged as discharge to the surface water is not acceptable and no details have been approved by local planning authority in writing.

- (v) Under planning condition 2 whereby : " No development shall take place until samples of the materials to be used in the construction of the external surfaces of the hand car wash bay hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Planning Condition 2 has not been complied with as development has taken place not in accordance with approved details and by the erection of an unauthorised car wash building.

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the above breaches of planning control have occurred within the last ten years. Conditions 6,7,9 and 2 were imposed on appeal under Planning Permission P1212.05 by the Planning Inspectorate. The relevant policy considerations are DC33 (car parking) , DC36 (servicing) , DC52(water supply and drainage), DC55 (noise) ,and DC61(urban design) of the Core Strategy and Development Control Policies Submission Development Plan document. The use of the car wash including the construction of a car wash bay has not been implemented in accordance with the plans. The unauthorised uses and the non- compliance with conditions , harm the amenity and appearance of the surrounding area. The site is unsightly , results in queuing vehicles impacting on the safe and efficient operation of the highway and has drainage is inadequate.

5. WHAT YOU ARE REQUIRED TO DO

- (1) Cease washing and cleaning of vehicles except within the wash bay area as approved by planning permission granted on appeal , the plans approved therewith and in accordance with Condition 5 of the planning permission granted on appeal

Time for compliance: 3 months from the effective date of this notice

- (2) Cease the use of all equipment for the cleaning of vehicles except non powered portable hand tools as approved and in the designated area except in full accordance with a scheme first submitted to and approved in writing by the Local Planning Authority to ensure that noise levels comply with condition 6 of the planning permission granted on appeal

Time for compliance: 3 months from the effective date of this notice

- (3) (i)Cease the use as a sitting area and unauthorised storage of materials in areas reserved for customer and staff parking areas as approved under the planning permission granted on appeal in accordance with Condition 7

Time for compliance : 3 months from the effective date of this notice.

- (ii)Remove all unauthorised storage from the areas mentioned in (i) above

Time for compliance : 3 months from the effective date of this notice.

- (4) Cease the use of washing facilities until full compliance with Condition 9 (water waste) of the planning permission granted on appeal which would be acceptable to the Local Planning Authority regarding water discharge

Time for compliance : 3 months from the effective date of this notice .

- (5) (i) Cease the development as the development has taken place not in accordance with approved details as stated in condition 2

Time for compliance : 3 months from the effective date of this notice

- (ii) Remove the unauthorised car wash building as stated in Condition 2 whereby development shall be carried out in accordance with the approved details.

Time for compliance : 3 months from the effective date of this notice.

- (6) Remove all car washing and cleaning equipment from the site unless located within the approved car wash bay as approved

Time for compliance : 3 months from the effective date of this notice

- (7) Remove all bricks, rubble, machinery, apparatus, equipment, and other materials brought onto the land pursuant to the breaches of planning control alleged in order to comply with (1) to (6) above.

Time for compliance: 3 months from the effective date of this notice

6. WHEN THIS NOTICE TAKES EFFECT

This Notice takes effect on 19th December 2008, unless an appeal is made against it beforehand

Dated: 7th November 2008

Signed:


Authorised Officer

on behalf of London Borough of Havering
Town Hall
Main Road
Romford RM1 3BD

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 19th December 2008. The enclosed booklet "Enforcement Appeals - A guide to Procedure" sets out your rights. Read it carefully. You may use the enclosed appeal forms. One is for you to send to the Secretary of State if you decide to appeal. The other is for you to keep as a duplicate for your own records. You should also send the Secretary of State the spare copy of this Enforcement Notice which is enclosed.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Enforcement Notice, it will take effect on 19th December 2008 and you must then ensure that the required steps for complying with it, for which you may be 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.

EXPLANATORY NOTES

STATUTORY PROVISIONS

A summary of Sections 171A, 171B and 172 to 177 of the Town and Country Planning Act 1990 (as amended) is enclosed with this Notice.

YOUR RIGHT OF APPEAL

You can appeal against this Notice, but any appeal must be in writing and received, or posted (with the postage paid and properly addressed) in time to be received in the ordinary course of the post, by the Secretary of State before 19th December 2008. The enclosed booklet "Enforcement Appeals - A guide to Procedure" sets out your rights. Read it carefully. If you appeal you should use the enclosed appeal forms. Two copies are for you to send to the Secretary of State if you decide to appeal. The other is for you to keep as a duplicate for your own records. You should also send the Secretary of State a copy of the Enforcement Notice.

GROUND OF APPEAL

The grounds of appeal are set out in Section 174 of the Town and Country Planning Act 1990 and are also set out on page 2-5 of the enclosed appeal forms.

PLANNING APPLICATION FEE

Should wish to appeal on ground (a) - that planning permission should be granted for the unauthorised development - then a fee of £170.00 is payable both to the Secretary of State and to the Council. If the fees are not paid then that ground of appeal will not be valid.

STATEMENT ON GROUNDS OF APPEAL

You must submit to the Secretary of State, either when giving notice of appeal or within 14 days from the date on which the Secretary of State sends him a notice so requiring him, a statement in writing specifying the grounds on which you are appealing against the enforcement notice and stating briefly the facts on which you propose to rely in support of each of those grounds.

RECIPIENTS OF THE ENFORCEMENT NOTICE

The names and addresses of all the persons on whom the Enforcement Notice has been served are:

- TO:**
1. The Owner of the said land
 2. The Occupier of the said land
 3. Mohinder Singh Choda, The Manse, 207 Lambourne Road, Chigwell, Essex, IG7 6JP
 4. Arjan Ahmetaj, Rainham Service Station, Rainham Road, Rainham,

Essex

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