

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: LONDON BOROUGH OF HAVERING COUNCIL

TO:

1. Mr Salman Ertokus, 83 Leighton Road, Enfield EN1 1XW
2. Mr Salman Ertokus, 161 Whitchurch Road, Romford RM3 9AA
3. Cafe Espresso, 161 Whitchurch Road, Romford RM3 9AA
4. Occupiers, 161 Whitchurch Road, Romford RM3 9AA

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 161 Whitchurch Road, Romford RM3 9AA, shown edged in black on the attached plan.

3. **THE RELEVANT PLANNING PERMISSION**

The relevant planning permission to which this notice relates is for the permission granted by the Council on 21st August 2016 for the installation of an extraction system for commercial use (proposed coffee shop), minor alterations (installation of an awning to the shop entrance, partly change of an interior kitchen separation wall). Change of operational hours in respect of planning permission ref: 1678.16.

4. **THE BREACH OF CONDITIONS**

The following conditions have not been complied with:-

3. Before the use commences suitable equipment to remove and/or disperse odours and odorous material should be fitted to the extract ventilation system as agreed by Havering Public Protection and 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.

Reason:-

In order to protect the amenity of occupiers of nearby premises and ensure that the development accords with Development Control Policies Development Plan Document Policy DC61.

4. No building shall be occupied or use commenced until a scheme for the new plant or machinery is submitted to and approved in writing by the Local Planning Authority to achieve the following standard - Noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary with the nearest noise sensitive property shall not exceed La90 -10dB. Plant and machinery shall be maintained thereafter in accordance with the approved scheme.

Reason:-

Insufficient information has been supplied with the application to assess the noise levels of the plant or machinery to be used on site. Submission of this detail prior to occupation in the case of new building works or prior to the use commencing in the case of changes of use, will prevent noise nuisance to adjoining properties in accordance with the Development Control Policies Development Plan Document Policies DC55 and DC61.

5 Before the use commences a scheme to control the transmission of noise and vibration from any mechanical ventilation system installed shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to the permitted use commencing. Thereafter the equipment shall be properly maintained and operated during normal working hours.

Reason:-

In order to protect adjoining premises from noise and in order that the proposed development accords with Development Control Policies Development Plan Document DC61.

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

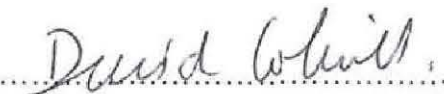
Within 21 days from the date of service of this notice:

1. Cease the use of 161 Whitchurch Road Romford RM3 9AA as a A3 use ; or
2. Submit planning application(s) to discharge conditions 3, 4, 5 of Planning permission ref: P1678.16

6. **WHEN THIS NOTICE TAKES EFFECT**

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

Dated: 1st November 2017



David Colwill

Position: Team Leader Planning Enforcement and Appeals

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

