

**RE: 235 – 243 Elm Park Avenue, Elm Park, RM12 4PG
(known as Elm Park Hand Car Wash)**

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 property
 2. The Occupier of the said property
 3. The Company Secretary, Euro 5 Star Limited (Co. Regn. No. 03620709) c/o Cooper Young, Kirkdale House, Kirkdale Road, London, E11 1HP
 4. The Company Secretary, Euro 5 Star Limited (Co. Regn. No. 03620709), 2nd Floor Commercial House, 406-410 Eastern Avenue, Gants Hill, Ilford, IG2 6NQ
 5. HSBC Bank PLC, London Securities Processing Centre, 144 Leadenhall Street, London, EC3V 4PP
 6. Mr Zija Krasniqi 111 Adamson Road, Canning Town, London E16 3QB

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)(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.

2. **THE LAND AFFECTED**

The land at 235–243 Elm Park Avenue, Elm Park, RM12 4PG hatched black on the attached plan (the “Land”).

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

An unauthorised change of use from a petrol filling station to a hand car wash centre with ancillary reception/office and waiting area.

4. **REASONS FOR ISSUING THIS NOTICE**

- (i) The waiting area is adjacent to residential property which gives rise to material harm to amenity by reason of engine noise, car radios and customer noise which is contrary to Policy ENV1 of the Havering Unitary Development Plan.
- (ii) Noise and disturbance is caused by customers entering and leaving the premises, vehicles parking and manoeuvring, particularly during the evening and Sunday hours of operation. This is unacceptably detrimental to the amenities of occupiers of adjacent properties and also contrary to Policy ENV1 of the Havering Unitary Development Plan.
- (iii) On-site parking is inadequate as is the space for on-site vehicular manoeuvring and queuing and this results in overspill onto adjoining roads and unacceptable congestion of the highway to the detriment of highway safety and residential amenity and is contrary to Policies TRN2 and TRN18 of the Havering Unitary Development Plan.

In the last 2 years the Council has received and refused 3 applications for planning permission in respect of this site and the change of its use to a hand car wash centre.

It appears to the Council that the above breach of planning control has occurred within the last ten years.

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

- (i) Cease the hand car wash use and return the land to its authorised use as a petrol filling station.

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

- (ii) Remove from the land all materials, equipment and signage associated with the operation of the unauthorised use and remove from the site all rubbish and rubble this may entail.

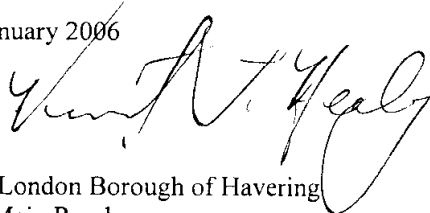
Time for compliance: 3 months from the effective date of this notice.

6. **WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on 2 March 2006, unless an appeal is made against it beforehand

Dated: 26 January 2006

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 Enforcement Notice to the Secretary of State by the 2 March 2006. Further details are given in the attached explanatory note.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Enforcement Notice, it will take effect on 2 March 2006 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 2 March 2006. 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 1991 and are also set out on pages 2-5 of the enclosed appeal forms.

PLANNING APPLICATION FEE

Should you wish to appeal on ground (a) - that planning permission should be granted for the unauthorised use - then a fee of £265 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:

1. The Owner of the said property
2. The Occupier of the said property
3. The Company Secretary, Euro 5 Star Limited (Co. Regn. No. 03620709) c/o Cooper Young, Kirkdale House, Kirkdale Road, London, E11 1HP
4. The Company Secretary, Euro 5 Star Limited (Co. Regn. No. 03620709), 2nd Floor, Commercial House, 406-410 Eastern Avenue, Gants Hill, Ilford, IG2 6NQ
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6. Mr Zija Krasniqi 111 Adamson Road, Canning Town, London E16 3QB



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Map Reference: TQ5285NW
Drawing No.:

Date: 09/05/2005

Scale: 1:1250

