

**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 – REF: ENF/612/20**

**ISSUED BY:                      HAVERING LONDON BOROUGH COUNCIL**

**TO:**

The Director / Secretary: Smith Homes 6 Limited  
FAO: Carly Rebekah Smith  
12 West Street, Ware, Hertfordshire SG12 9EE

Carly Rebekah Smith  
Smith Homes 6 Limited  
12 West Street, Ware, Hertfordshire SG12 9EE

The Owners,  
Verve Apartments  
5 Mercury Gardens  
Romford, Essex RM1 3FD

The Occupiers,  
Flats 1 to 137, Verve Apartments  
5 Mercury Gardens  
Romford, Essex RM1 3FD

Aura Finance Limited  
3rd Floor, Premiere House  
Elstree Way, Boreham Wood WD6 1JH

- 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 site lies on the western side of Mercury Gardens and south of Western Road, Romford edged in black in the attached site plan in a mixed commercial and residential area with multi storey buildings. Prior approval for change of use from (Class B1) (a) to residential use (Class C3) for 115 proposed new flats was approved with conditions.

The site is not located within a conservation area, is not a listed building nor is subject to any other statutory land designation. It lies within the Local Ward of Romford Town.

Land registry records show the land is registered under title number BGL121995

### **3. THE RELEVANT PLANNING PERMISSION**

The relevant prior approval ref: J0026.15 for change of use from (Class B1) (a) to residential use (Class C3) for 115 proposed new flats was approved with conditions.

### **4. THE BREACH OF CONDITIONS**

The following conditions have not been complied with:

On 28<sup>th</sup> April 2015 prior approval application J0026.15 was approved subject to conditions that required conditions 2 and 3 to be complied with before the use commences.

#### Condition 2 of J0026.15

The car and cycle parking spaces detailed by the Technical Note produced by “Entran” dated September 2015 shall be permanently retained for use by occupants of the residential conversion and for no other purposes whatsoever.

Reason: To ensure that the car and cycle parking is retained for the purposes intended, in the interests of amenity

#### Condition 3 of J0026.15

No building shall be occupied or use commenced until refuse and recycling facilities are provided in accordance with details, which shall previously have been submitted to and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be permanently retained thereafter.

Reason: Insufficient information has been supplied with the application to judge how refuse and recycling will be managed 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 protect the amenity of occupiers of the development and also the locality generally and ensure that the development accords with the Development Control Policies Development Plan Document Policy DC61.

### **5. THE FOLLOWING ACTIVITIES ARE TO BE CARRIED OUT TO SECURE COMPLIANCE WITH THE CONDITIONS**

As the person responsible for the breach of conditions specified in section 4 of this notice, you are required to comply with the stated conditions by taking the following steps:

#### Condition 2

Provide 60 car parking spaces and 115 secured and covered cycle parking spaces detailed by the Technical Note drawing no 1151 110 produced by Entran dated September 2015 that shall be permanently retained for use by occupants of the residential conversion and for no other purposes whatsoever.

### Condition 3

Erect refuse store and recycling facilities as per details drawing no 1151-020 B provided in discharge of condition 3 of application J0026.15 under application reference Q0160.16.

**Time for compliance: EIGHT WEEKS from the effective date of this notice, beginning with the day on which the notice is served on you.**

#### **6. WHEN THIS NOTICE TAKES EFFECT**

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

Dated: 22<sup>nd</sup> March 2022



**David Colwill**

**Position:** Team Leader Planning Enforcement

#### **Authorised Officer**

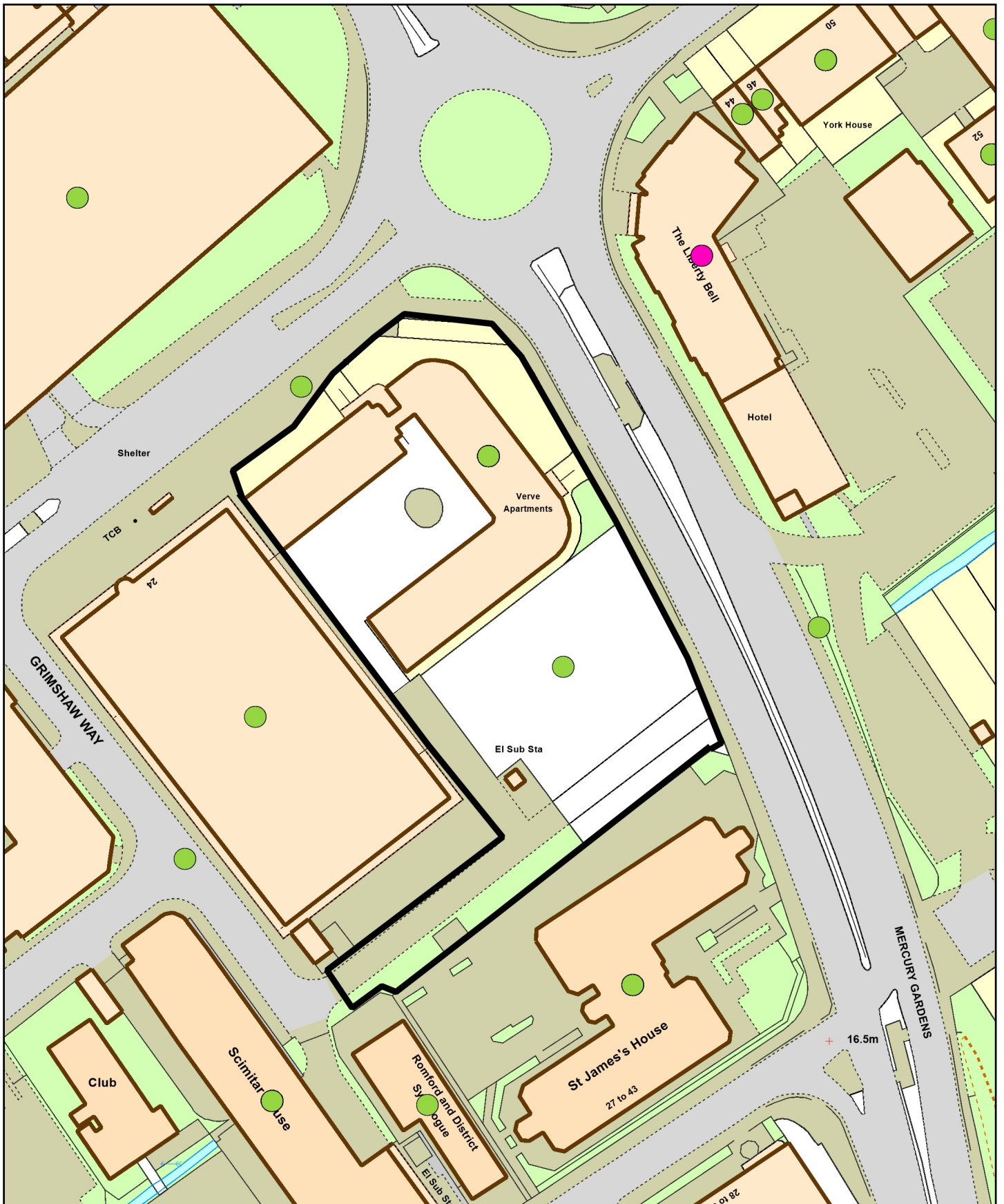
On behalf of: The Mayor and Burgesses of the London Borough of Havering Town Hall  
Main Road Romford RM1 3BD


#### **WARNING**




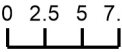
#### **THERE IS NO RIGHT OF APPEAL AGAINST THIS NOTICE**


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 £2,500 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 Onkar Bhogal, Principal Planning Enforcement and Appeals Officer, [Onkar.bhogal@haverling.gov.uk](mailto:Onkar.bhogal@haverling.gov.uk) (01708 431587). 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**



<b>Verve Apartments, Mercury Gardens, Romford</b>	
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  	<p><b>Scale: 1:1000</b>      0 2.5 5 7.5 metres</p> <p><b>Date: 17 March 2022</b></p> 
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	<p>London Borough of Havering Town Hall, Main Road Romford, RM1 3BD Tel: 01708 434343</p>	<p>© Crown copyright and database rights 2022 Ordnance Survey 100024327</p>
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