

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 – ENF/454/18

ISSUED BY: LONDON BOROUGH OF HAVERING COUNCIL

TO:

1. The Company Director, PARSEL LTD (Co. Regn. No. 11036063) of 285 Fore Street, London N9 0PD.
2. Shish Meze Limited 2 Berther Road, Hornchurch RM11 3HS.
3. Bahadir Kuytu, Ground Floor, 285 Fore Street, London, United Kingdom, N9 0PD
4. Bilal Nadir GUL, 2 Berther Road, Hornchurch, England, RM11 3HS
5. Bilal Nadir Gul 18 Market Place, Abridge, Essex, England, RM4 1UA
6. THE OWNER 2 Berther Road, Hornchurch RM11 3HS
7. The Occupier 2 Berther Road, Hornchurch RM11 3HS.

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 known as **2 BERTHER ROAD (SHISH MEZE), HORNCHURCH RM11 3HS**, shown edged in black on the attached plan and is registered under Land Registry Title Numbers EGL542276 (Freehold) and BGL161582 (Leasehold).

3. **THE RELEVANT PLANNING PERMISSION**

The relevant planning permission to which this notice relates to permission granted for the erection of extension (refrigerator) at the side of property, extension of seating area adjacent to Butts Green Road and enclosure for external seating areas/access. P1828.18 Conditions 2, 3 on 22nd February 2019

4. **THE BREACH OF CONDITIONS**

The following conditions have not been complied with:

Non-compliance with Condition 2 and 3 of planning permission ref: P1828.18 granted on 22nd February 2019.

1. **Condition 2**

Within 3 months of the date of this decision a scheme details of all plant equipment serving the cold room hereby permitted shall be submitted to 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 premises shall not exceed LA90 -10dB and shall be maintained thereafter to the satisfaction of the Local Planning Authority. Should the existing plant equipment generate noise in excess of the standards outlined above then details of replacement plant equipment shall be provided for consideration. In the event replacement plant equipment is required pursuant to this condition then the existing equipment shall be removed and new equipment installed within six months of the date of this decision.

Reason: To prevent noise nuisance to adjoining/adjacent properties.

2. **Condition 3**

Within 3 months of the date of this decision details of a scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies provisions to be made for the control of noise emanating from the cold room hereby approved. Such scheme as may be approved shall be implemented and thereafter retained in accordance with the approved details. The scheme to be provided shall include a timetable for its implementation.

Reason: To prevent noise nuisance to adjoining/adjacent properties

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

- i. Provide in details through a formal discharge of conditions application to the Local Planning Authority a scheme which specifies provisions to be made for the control of noise emanating from the cold room following approval.
- ii. Provide a scheme detailing through a formal discharge of conditions application, all plant equipment serving the cold room to 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 premises shall not exceed LA90 - 10dB and shall be maintained thereafter to the satisfaction of the Local Planning Authority. Should the existing plant equipment generate noise in excess of the standards outlined above then details of replacement plant equipment shall be provided for consideration

Time for compliance: 28 days 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** it is served on you or you receive it by postal delivery.

Dated: **14th October 2021**



David Colwill

Position: Planning Enforcement Team Leader

Authorised Officer

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

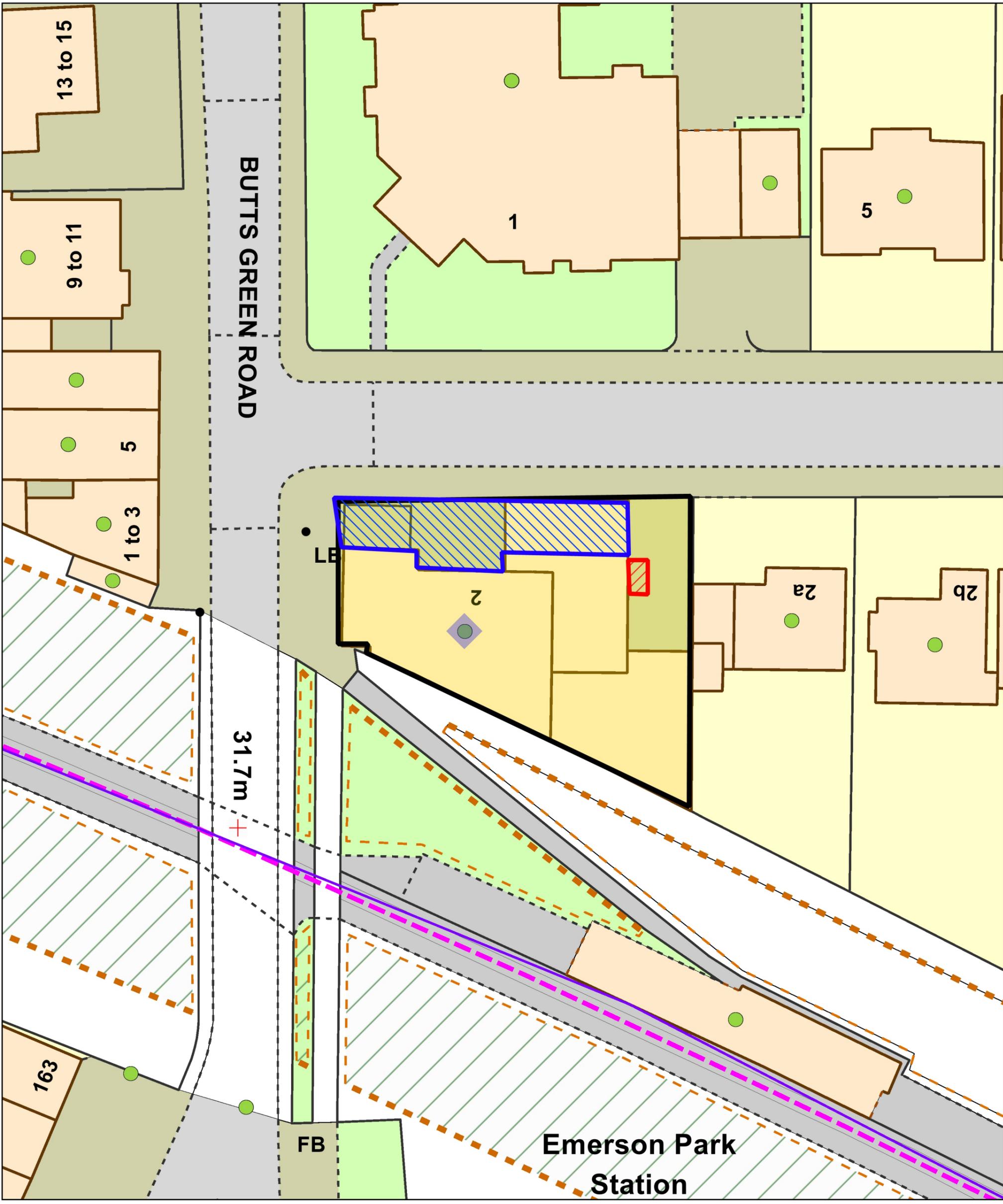
WARNING

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 **Patricia Adesina Senior Planning Enforcement Officer**, patricia.adesina@havering.gov.uk Town Hall, Main Road, Romford, RM1 3BD (01708 433959).

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



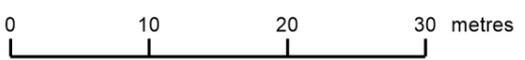
2 BERTHER ROAD (SHISH MEZE), HORNCHURCH RM11 3HS

2 BERTHER ROAD (SHISH MEZE), HORNCHURCH RM11 3HS







Scale: 1:300
 Date: 12 October 2021
 


 London Borough of Havering
 Town Hall, Main Road
 Romford, RM1 3BD
 Tel: 01708 434343

© Crown copyright and database rights 2021
 Ordnance Survey 100024327