

Mr. James Smith  
The Elms  
Bentham  
Gloucestershire  
GL51 4TZ

DD number: 01242 775179  
Our ref: 11/00294/DCALLB  
Ask for: Adam Gatier  
E-mail: adam.gatier@cheltenham.gov.uk  
Date: 12 January 2012

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

Dear Mr. Smith

**RE: Unauthorised development at 39 St Lukes Place Cheltenham Gloucestershire  
GL53 7JL**

Enclosed by way of service to you is a copy of a Breach of Condition Notice issued by Cheltenham Borough Council on 12 January 2012 concerning the failure to comply with two of the planning conditions attached to the planning approval for the above site.

The Notice will take effect on 13 January 2012.

Once the Notice has taken effect, you must ensure that the steps required for compliance, specified in paragraph 5 of the Notice are taken within the time frames allowed for compliance. Failure to comply with the requirements of a Breach of Condition Notice can result in prosecution.

Yours sincerely

**Adam Gatier  
Planning Investigations Officer**

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

**BREACH OF CONDITION NOTICE**

**SERVED BY: Cheltenham Borough Council ('the Council')**

**To: Mr. James Smith**

**1. THIS NOTICE** is served 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 in paragraph 2 below, have not been complied with. The Council consider that you should be required to comply with the conditions specified in this Notice. The Annex at the end of this notice contains important additional information.

**2. THE LAND TO WHICH THE NOTICE RELATES**

Land to rear of 39 St. Lukes Place (Mitre Street), Cheltenham, Gloucestershire, GL53 7JL

**3 THE RELEVANT PLANNING PERMISSION**

11/00716/FUL – Erection of a dwelling, following demolition of garage on land at the rear (part retrospective).

**4. THE BREACH OF CONDITION**

The following conditions have not been complied with:

Condition 2: The development hereby permitted shall be carried out in accordance with drawing numbers 820.01, 820.02, 820.03 and associated documents received on 23rd June 2011.

Reason: To ensure the development is carried out in strict accordance with the approved drawings.

Condition 5: Notwithstanding the submitted details, prior to the occupation of the development, full details of an adoptable turning head, including waiting restrictions, shall be submitted to and approved in writing by the Local Planning Authority. The turning head shall then be completed in all respects in accordance with those details before the development is brought into use.

Reason: In the interest of highway safety in accordance with policy TP2 which requires highways to be designed and constructed to appropriate standards.

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

As the person responsible for the breaches of conditions specified in paragraph 4 of this Notice, you are required to comply with the stated conditions by taking the following steps:-

Condition 2:

- Within 28 days of this Notice, beginning with the day the Notice comes into effect, replace the rear first floor window (south east elevation) with an obscurely glazed, non-opening aluminium window in a colour to match the replaced window.
- Within 28 days of this Notice, beginning with the day the Notice comes into effect, submit to the Local Planning Authority a drawing(s) to detail the development as built. This information will include the ground and first floor layouts and all other alterations or amendment undertaken that deviate from the approved drawings.

Condition 5:

- Within 28 days of this Notice, beginning with the day the Notice comes into effect, submit to the Local Planning Authority all the necessary information and drawings to satisfactorily discharge the condition.
- Within 112 days of this Notice, beginning with the day the Notice comes into effect, the works to create the turning head shall be carried out and completed in accordance with Gloucestershire County Council Highways Department requirements.

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**Martin Levick**  
**Senior Planner - Enforcement**

**Date: 12 January 2012**

*on behalf of Cheltenham Borough Council, Built Environment, PO Box 12, Municipal Offices,  
Promenade, Cheltenham, Glos. GL50 1PP.*

## ANNEX

### WARNING

THIS NOTICE TAKES IMMEDIATE EFFECT ONCE IT IS SERVED ON YOU IN PERSON OR ON THE DAY YOU RECEIVED IT BY POST.

THERE IS NO RIGHT OF APPEAL TO THE SECRETARY OF STATE FOR THE ENVIRONMENT 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 immediately contact:

Martin Levick - Senior Planner Enforcement

Tel: 01242 774986

Email: martin.levick@cheltenham.gov.uk

If you do 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.