

Ddi number: 01242 774986
Our ref: 15/00321/DCBPC
Ask for: Mr Martin Levick
e-mail martin.levick@cheltenham.gov.uk
Date: 19th August 2015

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Dear Sir/Madam

Re: Development at Former Leckhampton Industrial Estate, (205) Leckhampton Road, Cheltenham

Enclosed by way of service to you is a copy of a Breach of Condition Notice issued by Cheltenham Borough Council on **19th August 2015**.

The Notice concerns the failure to comply with one or more of the planning conditions attached to the planning approval for the above site.

The Notice will take effect immediately

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 faithfully

**Martin Levick
Senior Enforcement & Compliance Officer**

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

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

To:

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 at Leckhampton View former Leckhampton Industrial Estate Leckhampton Road
Cheltenham Gloucestershire
(As shown edged red on the attached plan for identification purposes)

3 THE RELEVANT PLANNING PERMISSION

13/00756/FUL, 14/02169/DISCON, 15/00027/CONDIT, 15/00679/AMEND

4. THE BREACH OF CONDITION

The following condition has not been complied with:

Condition 4

No works shall commence, including demolition, until a scheme for the control of noise, dust, vibration and other nuisances is submitted to and approved in writing by the Local Planning Authority. The development shall be strictly implemented in accordance with the approved details. Scheme details shall include:

1. Hours of work. Recommended hours are: 7:30AM-6:00PM, Mon - Fri; 8:00AM-1:00PM; Saturdays and no noise-producing work on Sundays or Bank Holidays. Any work outside these hours should be agreed well in advance with the Environmental Protection Team.
2. No bonfires will be permitted on site.
3. Any stockpiles of dusty materials, including crushed material must be kept covered or suitably dampened to avoid wind-borne dust.

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 condition by taking the following steps:-

Secure compliance with the condition by ensuring that all works on site are only undertaken within the working hours specified above, as endorsed in the specifications contained the approved Ward Williams Associates Construction Method Statement & Management Plan, November 2014.

Mike Redman
Director – Environmental & Regulatory Services

Date: 19th August 2015

*on behalf of: Cheltenham Borough Council, Enforcement, Municipal Offices, Promenade,
Cheltenham, Gloucestershire GL50 9SA*

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 Enforcement & Compliance Officer

Tel: 01242 774986

Email: martin.levick@cheltenham.gov.uk

If you do need independent advice about this Notice, you are advised to urgently contact 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.