

Ddi number: 01242 264118
Our ref: 18/00391/DCBPC
Ask for: Daniel Lewis
e-mail daniel.lewis@cheltenham.gov.uk

Date: 31 July 2019

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Dear

Re: 48 Suffolk Road, Cheltenham, Gloucestershire

Enclosed by way of service to you is a copy of a Breach of Condition Notice issued by Cheltenham Borough Council on 31 July 2019 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 sincerely

Daniel Lewis
Senior Enforcement and Compliance Officer



INVESTOR IN PEOPLE

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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:

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 48 Suffolk Road Cheltenham Gloucestershire GL50 2AQ
(As shown edged red on the attached plan for identification purposes)

3 THE RELEVANT PLANNING PERMISSION

18/01166/CONDIT

4. THE BREACH OF CONDITION

The following condition has not been complied with:

Condition 4 - The extractor fan shall not be operated outside the following hours:
07:30 to 20:30 Monday to Saturday, 09:00 to 16:00 Sundays and Bank Holidays.

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:-

Ensure the extractor fan is not used outside of the above hours. Unless in accordance with the revised hours approved under application number 18/02337/CONDIT, but not until such time as additional attenuation measures have been put in place in strict accordance with the submitted technical details.

Period for compliance: 30 days beginning with the day on which this notice is served on you

Mike Redman
Director, Environment

Date: 31 July 2019

*on behalf of: Cheltenham Borough Council, Enforcement, Environment, 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 £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 immediately contact:

Daniel Lewis
Senior Enforcement & Compliance Officer

Tel: 01242 264118
Email: daniel.lewis@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.