

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: The Council of the City of Newcastle upon Tyne ("the Council")

To: Mr Azeem Afsar
Bluemotion Motor Company
Rear of 44 Heaton Road
Newcastle upon Tyne
NE6 1SE

- 1. THIS NOTICE** is served by the Council, under section 187A of the above Act, because they consider that condition(s) imposed on a grant of planning permission, relating to the land described paragraph 2 below, have not been complied with. The Council consider that you should be required to comply with the condition 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 the corner of Denmark Street and Tynemouth Road, Newcastle upon Tyne, NE6 2UB shown edged with a red line on the attached plan ('the Land').

3. THE RELEVANT PLANNING PERMISSION

The relevant planning permission to which this Notice relates is the permission reference 2014/1659/01/DET granted by Newcastle City Council on 11 March 2015 for Change of use of former car park (Sui Generis) to car sales/vehicle storage (Sui Generis), erection of 1.5m-1.8m high boundary fence and 1.8m high gates (Retrospective) as amended by plans received 02/03/15 and 06/03/15.

4. THE BREACH OF CONDITION

The following conditions have not been complied with.

1. Condition 2 states that; "The development to which this permission relates shall be carried out in accordance with the approved plan(s) referenced: drawing number 150203/P03 received 02/03/2015 and drawing number 150203/P04 received 06/03/15.
Reason: For the avoidance of doubt and in the interests of proper planning, and in order to achieve a satisfactory form of development in accordance

with the National Planning Policy Framework and saved Policy EN1.1 of the Unitary Development Plan.”

2. Condition 4 states that; “The approved landscape works shall be completed no later than the end of the first planting season following the date of this permission or in accordance with a programme agreed in writing with the Local Planning Authority. The approved landscape works shall be maintained in accordance with the current version of British Standard 4428 for a period of five years commencing on the date of Practical Completion and during this period any trees or plants which die or become diseased shall be replaced in the first available planting season with others of similar size and species and any grass that fails to establish shall be re-established. Reason: In the interests of the visual amenity of the locality, in accordance with the National Planning Policy Framework and saved Policies NC1.7, EN1.1, EN3 and EN3.2 of the Unitary Development Plan and emerging Core Strategy policy CS18.”

It should be noted that the above Unitary Development Plan (UDP) Policies have been superseded by the following Policies listed in the Development and Allocations Plan 2015 – 2030 (DAP) that was adopted in June 2020: -

- i. UDP Policy EN1.1 has been superseded by Policy DM20 of the DAP.
- ii. UDP Policy NC1.7 has been superseded by Policy DM29 of the DAP.
- iii. UDP Policy EN3 has been superseded by Policy DM28 of the DAP.
- iv. UDP Policy EN3.2 has been superseded by Policy DM27 of the DAP.

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 step(s):

- (1) Lower the boundary fences to each elevation of the site so that they are in accordance with approved plan 150203/P04 submitted with planning application 2014/1659/01/DET.
- (2) Move the lowered boundary fences back by 750mm to the South and East of the site to comply with approved plan 150203/P03 submitted with planning application 2014/1659/01/DET.
- (3) Remove a 750mm wide strip of the hard surfacing in front of the boundary fences to the South and East elevations as per approved plan 150203/P03.
- (4) Dig to a depth of 600mm across the whole 750mm wide strip mentioned in point (3) above and remove the earth.

- (5) Add loosened subsoil to a depth of 300mm across the whole 750mm wide strip mentioned in point (3) above followed by topsoil to a depth of 300mm in order that the trench formed in point (4) above is completely filled.
- (6) Plant Pyracantha shrubs at a density of 4 plants per square metre across the whole area of newly laid sub and topsoil mentioned in point (5) above as per approved plan 150203/P03. Note that these shrubs must be maintained in accordance with British Standard 4428 for a period of 5 years to comply with planning condition 4 of planning permission 2014/1659/01/DET.

6. PERIOD FOR COMPLIANCE

Within 6 MONTHS beginning with the day on which this notice is served on you.

Dated 15 July 2020

[Date of issue]



Signed:.....

[Council's authorised officer]

J R Softly
Assistant Director, Legal Services

On behalf of: The Council of the City of Newcastle upon Tyne

ANNEX

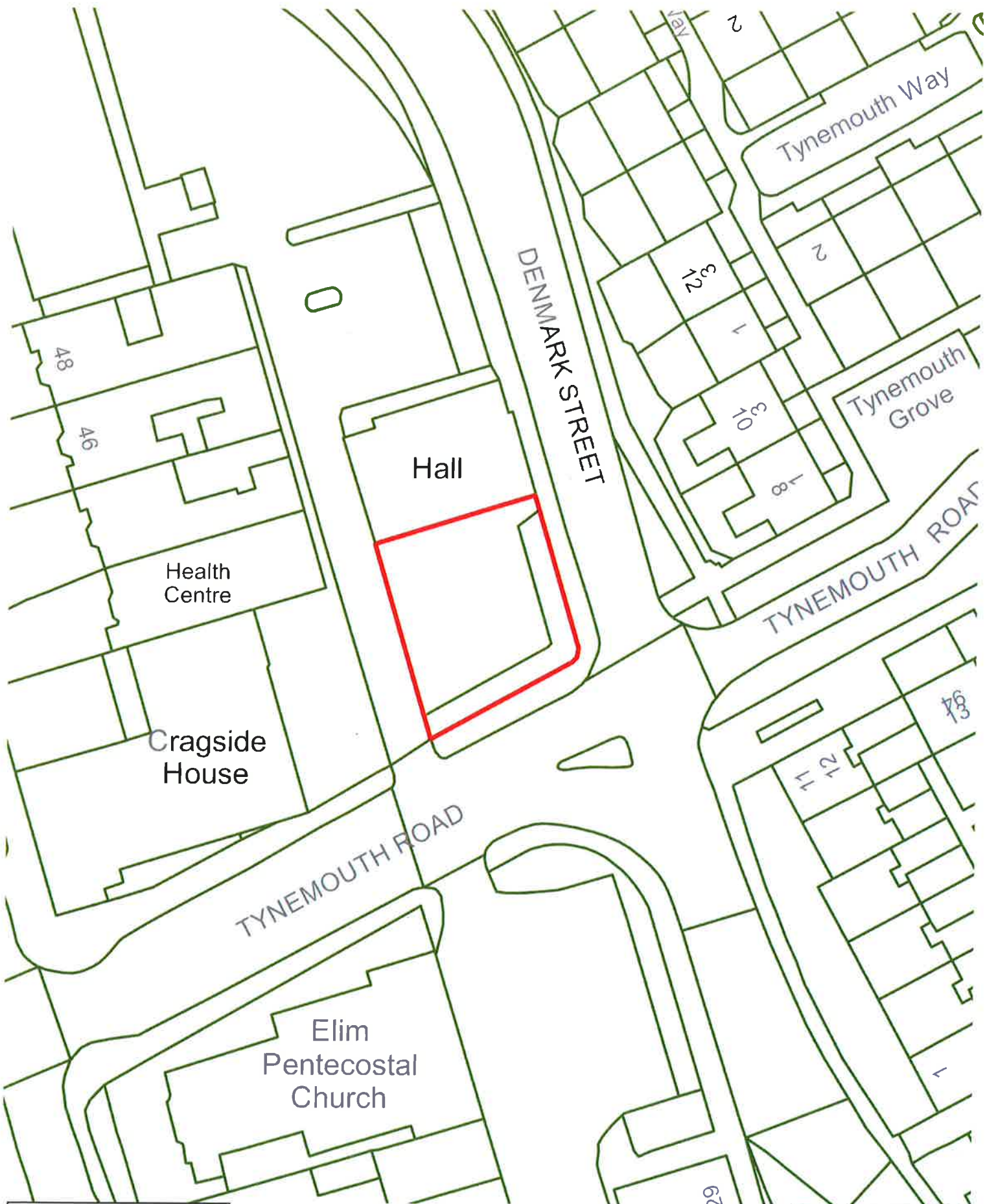
WARNING

THIS NOTICE TAKES EFFECT *IMMEDIATELY* IT IS SERVED ON YOU IN PERSON OR ON THE DATE 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 level 3 (currently £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 get in touch **immediately** with Richard Hamilton (Planning Enforcement Assistant) via telephone 0191 2115653 or email richard.hamilton@newcastle.gov.uk.

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.



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Land on corner of Denmark Street (NE6 2XF) and Tynemouth Road.

2014/0217/COUODT.

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Newcastle
City Council

