

TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED) Section 187A

IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY

BREACH OF CONDITION NOTICE

SERVED BY: SOUTH LAKELAND DISTRICT COUNCIL

To: Mr Mehmet Oncu, Pizza Italia, 9 Allhallows Lane, Kendal, Cumbria LA9 4JH

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**
9 Allhallows Lane, Kendal, Cumbria. LA9 4JH shown edged red on the attached plan.

3. **THE RELEVANT PLANNING PERMISSION**

The relevant planning permission to which this notice relates is the permission granted by the Council on 30th June 2008 for the Change Of Use from Café/Tea Room to a Hot Food Takeaway (Class A5) – SL/2008/0514

4. **THE BREACHES OF CONDITION**

The following conditions have not been complied with:

- Condition (2) – The premises shall cease serving members of the public by midnight on Fridays and Saturdays and by 11.30pm on Sundays to Thursdays.
- Reason (2) – To protect amenity within this part of the town centre and avoid unneighbourly noise at unsociable hours.

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

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

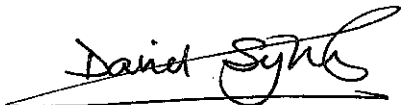
In relation to Condition (2) - Cease serving members of the public by midnight on Fridays and Saturday and by 11.30 on Sundays to Thursdays.

Period for compliance:

Within 28 days beginning with the day on which this notice is served on you;

Cease serving members of the public by midnight on Fridays and Saturday and by 11.30 on Sundays to Thursdays.

Dated: 22nd May 2014

A handwritten signature in black ink, appearing to read 'David Sykes', written over a horizontal line.

Signed:

David Sykes Director (People and Places)

On behalf of: South Lakeland District Council
South Lakeland House
Lowther Street
KENDAL
LA9 7DL

ANNEX

**THIS NOTICE TAKES EFFECT IMMEDIATELY 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 not exceeding level 4 of the standard scale (£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 with Mark Balderson, Planning Enforcement Officer, South Lakeland District Council, South Lakeland House, Lowther Street, Kendal, Tel 01539 793353

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.

