

Mr S. K. Rad  
17 Peacock Court  
Gateshead  
Tyne and Wear  
NE11 9TX

My Ref. SK/RK  
Your Ref:

Date: 06 February 2006

Dear Sir

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**BREACH OF PLANNING CONDITION – COTTAGE TAKEAWAY, 1 ALBION STREET, WINDY NOOK, GATESHEAD, TYNE AND WEAR  
APPLICATION NO. 309/88 ERECTION OF HOT FOOD TAKEAWAY SHOP (AMENDED 17/5/88) AT SITE OF FORMER FISH AND CHIP SHOP, ALBION STREET/COLDWELL LANE, FELLING.**

Condition No 4. of the above planning approval granted on 2nd June 1988, (Ref: 309/88) states that "The premises shall not be open for business before 9am or after 11pm on any day of the week."

Complaints have been received that the premises are regularly open for business past 11pm, causing noise and disturbance.

An enforcement officer from this Department has visited the premises and observed the business to be trading after 11pm.

Having regard to the circumstances your actions are considered to amount to a blatant breach of planning control.

In order to rectify the situation I attach by way of service a Breach of Condition Notice against which there is no right of appeal. Your attention is drawn to the warning set out in the annex to the notice and the penalties for failure to comply. My officers will continue to monitor the operation of the premises following the expiry of the period for compliance with the notice when the necessity for further action will be assessed.

Yours sincerely



Paul Dowling  
Head of Regulatory Services

Gateshead Council Civic Centre Regent Street Gateshead NE8 1HH  
Tel 0191 433 3000

*Development & Enterprise • Group Director Derek Quinn*

# IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

### BREACH OF CONDITION NOTICE

**SERVED BY: The Borough Council of Gateshead (“the Council”)**

**TO: Mr S. K. Rad  
17 Peacock Court  
Gateshead  
Tyne and Wear  
NE11 9TX**

1. **THIS NOTICE** is served by the Council, under section 187A of the above Act, because they consider that a condition imposed on a grant of planning permission, relating to the land described in paragraph 2 below, has 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**  
  
1 Albion Street, Windy Nook, Felling, Gateshead, NE10 9SJ, 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 2nd June, 1988, Reference No. 309/88, for the erection of hot food takeaway shop (amended 17/5/88) at site of former fish and chip shop, Albion Street/Coldwell Lane, Felling.
  
4. **THE BREACH OF CONDITION**  
  
The following condition has not been complied with:  
  
Condition No. 4  
The premises shall not be open for business before 9am or after 11pm on any day of the week.

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

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

- (1) Close the premises at 11pm every day.

Period for compliance: -

- (1) 28 days beginning with the day on which this notice is served on you.

Dated: 7th February 2006



Signed: Paul Dowling  
Head of Regulatory Services  
For and on behalf of the Borough Council of Gateshead.

**WARNING**

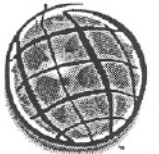
**THIS NOTICE TAKES EFFECT IMMEDIATELY IT IS SERVED ON YOU IN PERSON OR ON THE DAY YOU RECEIVED IT BY POST.**

**THERE IS NO RIGHT OF APPEAL TO THE SECRETARY OF STATE FOR THE ENVIRONMENT AGAINST THIS NOTICE.**

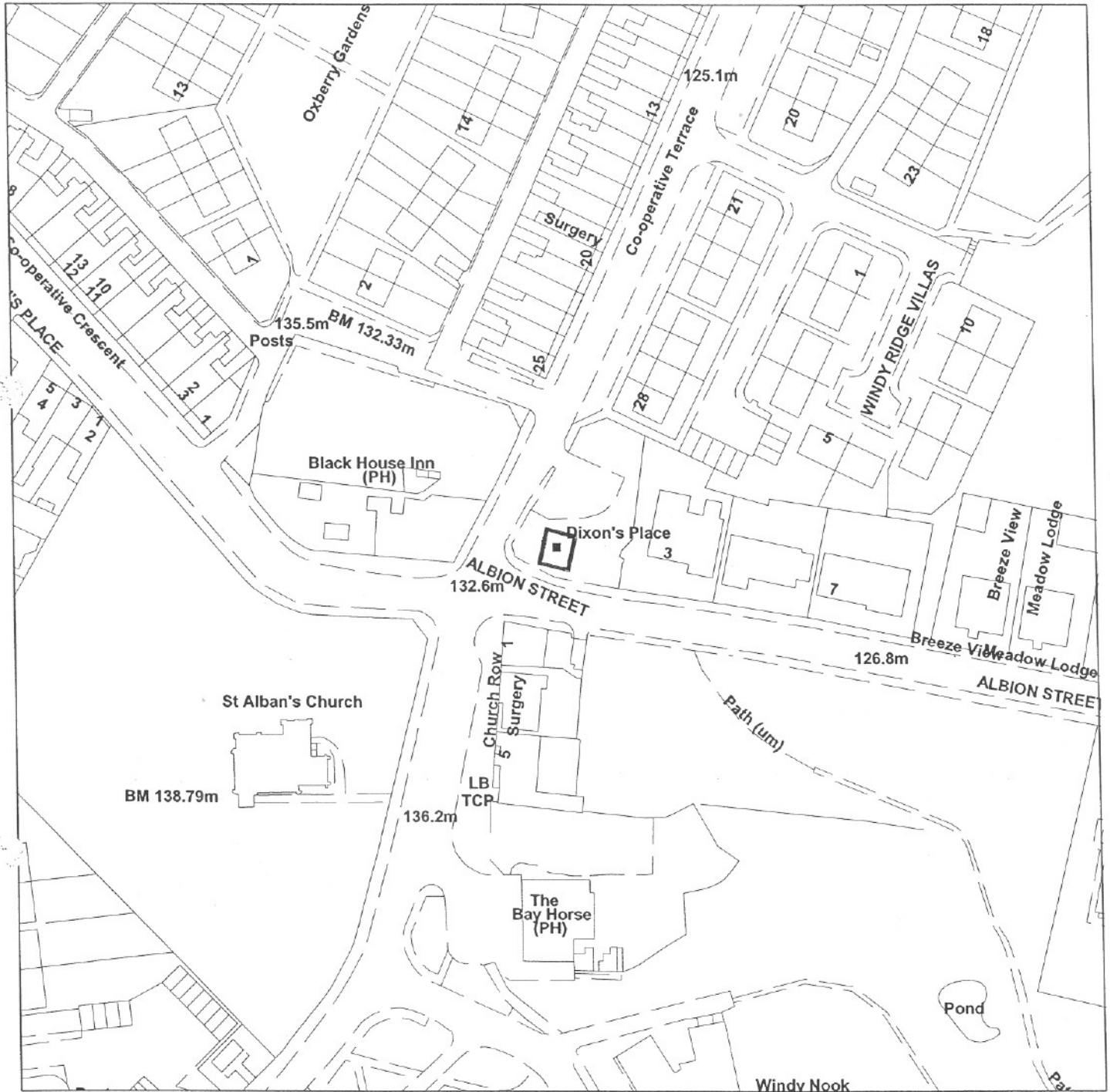
It is an offence to contravene the requirements stated in paragraph 5 of this notice after the end of the compliance period. You will then be at risk of immediate prosecution in the Magistrates' Court, for which the maximum penalty is £1,000 for a first offence and for any subsequent offence. If you are in any doubt about what this notice requires you to do, you should get in touch immediately with Sarah Kelly, Enforcement Officer or, Marc Morley, Senior Enforcement Officer, Gateshead Civic Centre, Telephone Number 0191 4333932.

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.

# 1 Albion Street, Windy Nook, Gateshead



GIS by ESRI (UK)



Scale : 1:1250

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| Organisation | Gateshead Council   |
| Department   | Regulatory Services |
| Comments     | Scale 1:1250        |
| Date         | 07 February 2006    |
| SLA Number   | Not Set             |