

# **IMPORTANT THIS COMMUNICATION AFFECTS YOUR PROPERTY**

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

### **SECTION 215 NOTICE**

#### **SERVED BY: COLCHESTER BOROUGH COUNCIL**

To: Mr P Flatman, Newhouse Farm, Church Road, Wormingford, Colchester, Essex,  
CO6 3AD

#### **1. THE NOTICE**

This Notice is served by the Council under Section 215 of the above Act because it appears to them that the amenity of a part of their area is adversely affected by the condition of the land described below.

#### **2. THE LAND TO WHICH THE NOTICE RELATES**

The land known as **The Jumbo Water Tower, Balkerne Passage, Colchester, Essex, CO1 1PA** shown edged with a heavy black line on the attached plan.

#### **3. WHAT YOU ARE REQUIRED TO DO**

The Council requires the following steps to be taken for remedying the condition of the land:

- (i) Kill all vegetation growing in/on the brickwork or mortar joints of the building by spraying with Glyphosate and once the vegetation has died, carefully cut back all plant growth avoiding causing damage to bricks or mortar. Remove all resulting debris/materials from the site.
- (ii) Cut back, prune or kill all overgrown vegetation and/or plants within 2.5 metres of the base of the water tower and beneath the water tower. Remove all resulting debris/materials from the site.
- (iii) Clean out and where necessary repair or replace all guttering. Where repairs or new guttering is necessary all materials used for the repair or replacement must match the existing materials, sections and detailing
- (iv) Prior to repainting the Cupola, clear and prepare all external joinery, removing in the process all flaking paint, replacing any perished timbers with replacement woodwork to match the existing and renewing putty/joinery surrounds so as to ensure all external joinery is in an appropriate condition for repainting.
- (v) On completion of step (iv) above, repaint all external joinery with exterior wood primer, exterior undercoat and exterior wood gloss, the finished colour to be white.
- (vi) Remove and replace any broken glazing with new glass to the appropriate British Standard specifications.
- (vii) Refix loose and reinstate missing sections of railings to match the existing materials, detailing, finish and fixing method.

#### **4. TIME FOR COMPLIANCE**

1. Steps (i), (ii), (iii) and (vi) above to be complied with in full within **2 Months** of the date on which this Notice takes effect; and
2. Steps (iv), (v) and (vii) above to be complied with in full within **6 Months** of the date on which this Notice takes effect;

#### **5. WHEN THIS NOTICE TAKES EFFECT**

This Notice takes effect on **15<sup>th</sup> January 2015**

Dated: 17 December 2014

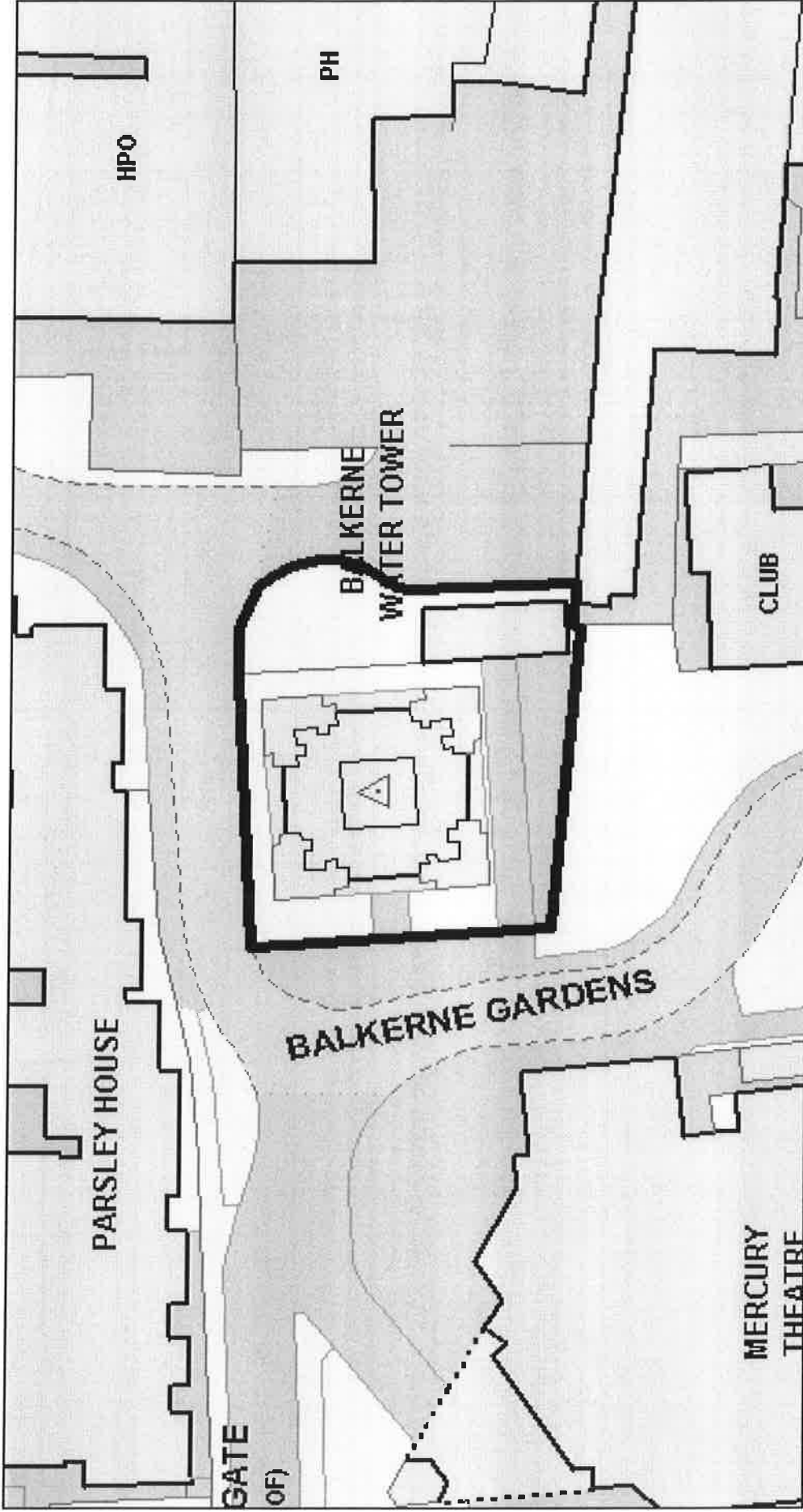
Signed:

A handwritten signature in black ink, appearing to read "Paul". The signature is written in a cursive style with a large initial 'P'.

**RIGHT OF APPEAL AGAINST SECTION 215 NOTICE  
SECTIONS 217-218 OF THE TOWN AND COUNTRY PLANNING ACT 1990**

- 217** (1) A person on whom a notice under Section 215 is served, or any other person having an interest in the land to which the notice relates, may, at any time within the period specified in the notice as the period at the end of which it is to take effect, appeal against the notice on any of the following grounds:
- (a) that the condition of the land to which the notice relates does not adversely affect the amenity of any part of the area of the local planning authority who served the notice, or of any adjoining area;
  - (b) that the condition of the land to which the notice relates is attributable to, and such as results in the ordinary course of events from the carrying on of operations or a use of land which is not in contravention of Part III;
  - (c) that the requirements of the notice exceed what is necessary for preventing the condition of the land from adversely affecting the amenity of any part of the area of the local planning authority, who served the notice, or of any adjoining area;
  - (d) that the period specified in the notice as the period in within which any steps required by the notice are to be taken falls short of what should reasonably be allowed.
- (2) Any appeal under this section shall be made to the Magistrates Court acting for the petty sessions in which the land in question is situated.
- (3) Where such an appeal is brought, the notice to which it relates shall be of no effect pending the final determination or withdrawal of the appeal.
- (4) On such an appeal the Magistrates Court may correct any informality, defect or error in the notice if satisfied that the informality, defect or error is not material.
- (5) On the determination of such an appeal the Magistrates Court shall give directions for giving effect to their determination, including, where appropriate, directions for quashing the notice or for varying the terms of the notice in favour of the appellant.
- (6) Where any person has appealed to a Magistrates Court under this section against a notice, neither that person nor any other shall be entitled, in any other proceedings instituted after the making of the appeal, to claim that the notice was not duly served on the person who appealed.
- 218** Where an appeal has been brought under section 217, an appeal against the decision of the Magistrates Court on that appeal may be brought to the Crown Court by the appellant or by the local planning authority who served the notice in question under section 215.





*BULLS*  
17.12.14

### Site Location Plan – NOT TO SCALE

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Application Reference: 003765  
Site Location Address: The Jumbo Water Tower, Balcerne Passage, Colchester, Essex, CO1 1PA  
Date Produced: 16 December 2014

