

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

Issued by: North East Lincolnshire Borough Council

1. **This is a formal notice** which is issued by the Council, under Section 187A of the above Act, because the Council considers that conditions imposed on a grant of planning permission DM/1090/13/FUL relating to the land described below, have not been complied with. It considers that you should be required to secure compliance with the conditions specified in this notice.

2. **The land affected by the notice**

The land known as Mumbai Blues, 75 High Street, Waltham, Grimsby, North East Lincolnshire DN37 0LT (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 the 12th March 2014 as per approved planning application no DM/1090/13/FUL (attached hereto).

4. **The breach of conditions**

The following conditions have not been complied with:-

Condition 3

The hereby approved change of use shall not be brought into use until the rear first floor window, as identified on the approved plan, is obscurely glazed and thereafter retained as such. The existing rear door at first floor shall be closed at all times except if its use is required in response to an emergency.

Reason

The protect the residential amenities of the neighbouring properties in accordance with saved Policy GEN1 of the North East Lincolnshire Local Plan 2003

Condition 5

The hereby approved development shall only be open to customers between 8am and 11pm

Reason

The protect the amenities of neighbouring properties in accordance with saved Policy GEN1 of the North East Lincolnshire Local Plan 2003.

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:-

Requirement No. 1

Not to allow the use of the first floor rear door for any purpose other than in response to an emergency.

Requirement No. 2

To cease opening to customers before 8am or after 11pm

Time for Compliance:

Requirement No. 1 & 2 inclusive

28 Days from the date this notice takes effect.

6. When this notice takes effect

This notice takes effect immediately it is served on you or you receive it by postal delivery.

Signed: *Luis*

Dated: *27 March 2015*

On behalf of: North East Lincolnshire Borough Council

WARNING

There is no right of appeal against the 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 get in touch immediately with Miss K Walker, Planning and Transportation Department, Origin One, Origin Way, Europarc, Grimsby DN37 9TZ. Tel. 01472 324998

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.

Do not leave your response to the last minute

NOTICE OF DECISION

Application Number: DM/1090/13/FUL

Issuing Authority: North East Lincolnshire Council

Applicant's Name and Address: Mr Mohammad Hussain Jakir 75 High Street Waltham Grimsby North East Lincolnshire DN37 0LT	Agent's Name and Address: Mr Trevor Gibson 24 Seaford Road Cleethorpes North East Lincolnshire DN35 0LY
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Proposal: Change of use from first floor flat to extend existing restaurant

Application Site: 75 High Street Waltham Grimsby North East Lincolnshire

The following decision has been made upon your application received on 31st December 2013.

Granted subject to: -

- 1 Condition
The change of use hereby permitted shall begin within three years of the date of this permission.

Reason
To comply with S.91 of the Town and Country Planning Act 1990.
- 2 Condition
The development shall be carried out in accordance with the plan date stamped 31st December 2013.

Reason
For the avoidance of doubt and in the interests of proper planning.
- 3 Condition
The hereby approved change of use shall not be brought into use until the rear first floor window, as identified on the approved plan, is obscurely glazed and

thereafter retained as such. The existing rear door at first floor shall be closed at all times except if its use is required in response to an emergency.

Reason

To protect the residential amenities of the neighbouring properties in accordance with saved Policy GEN1 of the North East Lincolnshire Local Plan 2003.

4 Condition

Prior to works commencing on the hereby approved change of use, details of the level, type and extent of soundproofing to internal side walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall then only proceed in strict accordance with the approved details and thereafter retained.

Reason

To protect the amenities of the neighbouring properties in accordance with saved Policy GEN1 of the North East Lincolnshire Local Plan 2003.

5 Condition

The hereby approved development shall only be open to customers between 8am and 11pm.

Reason

To protect the amenities of neighbouring properties in accordance with saved Policy GEN1 of the North East Lincolnshire Local Plan 2003.

Informatives:-

6 Informative

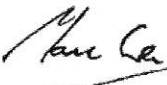
The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan 2003. The proposal would not harm the area character or residential amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2003 and in particular saved Policies GEN1 and S7.

7 Added Value Statement

Article 31(1)(cc) Statement - Positive and Proactive Approach

In accordance with paragraph 187 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner with the applicant to seek solutions to problems arising, by providing extensive pre-application advice on the proposed scheme.

This Notice is issued on behalf of North East Lincolnshire Planning Authority.

Signed: 

Marc Cole

Official Capacity: Strategic Director Environment, Economy and Housing

Date: 12th March 2014



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