

**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: North East Lincolnshire Borough Council**

**To: The Company Secretary, Urban Development Projects (2) Ltd, 51 Selby  
Road, Leeds, W Yorkshire, LS9 OEW**

- 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 **DC/741/12/SSU** relating to the land described below, have not been complied with. The Council consider that you should be required to comply with the conditions specified in this notice.

- 2. The land affected by the notice**

The land known as **53 Grimsby Road, Cleethorpes, North East Lincolnshire DN35 7AF** (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 **26/12/2012** as per approved planning application no **DC/741/12/SSU** (attached hereto).

- 4. The breach of conditions**

The following conditions have not been complied with:-

Condition 3

Development shall be carried out in accordance with the following plans:

Existing plans (dmc 12306/001) Existing Elevations (dmc 12306/002)

Proposed plans (dmc 12306/003) Proposed Elevations (dmc 12306/04)

Existing Proposed First Floor Plans (dmc 12306/007) Flood Risk Assessment  
(dated 1/10/12) Design and access Statement (dated 1<sup>st</sup> October)

*Reason*

For the avoidance of doubt and in the interests of proper planning

**Condition 2**

The Development shall be carried out in strict accordance with the Flood Risk assessment produced by Darrell Crawford date stamped 1<sup>st</sup> October 2012 and specifically the mitigation measures identified

**Reason**

To reduce the risks and impact of flooding and to accord with Saved Policy GEN1 of the North East Lincolnshire Local Plan

**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**

To carry out works as per the approved plans.

**Requirement No. 2**

To carry out mitigation measures as per Flood Risk assessment DMC 12306 dated 1/10/12

**Time for Compliance:**

**Requirement No. 1 & 2 inclusive**

**12 months** 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:** 

**Dated:** 24/8/17

**On behalf of:** North East Lincolnshire Borough Council

## **WARNING**

### **There is no right of appeal to The Secretary Of State for The Environment 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 Sue Hallett Investigating Officer, Planning and Highways Enforcement, ENGIE, Origin Two, Origin Way, Europarc, Grimsby DN37 9TZ. Tel. 01472 324350

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:** DC/741/12/SSU

**Issuing Authority:** North East Lincolnshire Council

**Applicant's Name and Address:**

Urban Projects Ltd  
51 Selby Road  
Leeds  
West Yorkshire  
LS9 0EW

**Agent's Name and Address:**

DMC Architecture Ltd  
5 Coral Drive  
Waltham  
Grimsby  
North East Lincolnshire  
DN37 0YD

The following decision has been made upon your application received on **1st October 2012**

**Application Site:** 53 Grimsby Road (Lena Trigg Fashionwear) Cleethorpes North East Lincolnshire

**Proposal:** Proposed new frontage and change of use from retail to office and residential

### Granted subject to:-

**1 Condition**

The development hereby permitted shall commence within three years from the date of this permission.

**Reason**

To comply with Section 91 of the Town and Country Planning Act 1990.

**2 Condition**

The development shall be carried out in strict accordance with the Flood Risk Assessment produced by Darrell Crawford date stamped 1st October 2012 and specifically the mitigation measures identified.

**Reason**

To reduce the risk and impact of flooding and to accord with saved Policy GEN1 of the North East Lincolnshire Local Plan.

**3 Condition**

The development shall be carried out in accordance with the following plans: Existing Plans (dmc12306/001), Existing Elevations (dmc12306/002), Proposed Plans (dmc12306/003), Proposed Elevations (dmc/12306/04), Existing and Proposed First Floor Plans (dmc12306/007), Flood Risk Assessment (dated 1st October 2012) and Design and Access Statement (dated 1st October).

Reason

For the avoidance of doubt and in the interests of proper planning.

**4** Informative

You are advised to prepare a Flood Warning and Evacuation Plan.

**5** Reason for Approval

The proposal brings a vacant unit back into use in a Local Centre. It has been approved in accordance with the North East Lincolnshire Local Plan 2003, particularly saved Policies GEN1, S13 and S7, as well as the National Planning Policy Framework presumption in favour of sustainable development.

**6** Added Value Statement

No problems have arisen during consideration of this application that have required working directly with the applicant to seek solutions.

This Notice is issued on behalf of the Local Planning Authority.

Signed:



**Dated: 26th November 2012**

**Marc Cole**

**Official Capacity: Executive Director of Regeneration**



53 Grimsby Road

