

**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 DC/480/09/HEN 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 263 to 269 Willingham Street (previously known as land rear of 232 & 234 Hainton Avenue), Grimsby North East Lincolnshire (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 23<sup>rd</sup> September 2009 as per approved planning application no. DC/480/09/HEN (attached hereto).

4. **The breach of condition**

The following condition has not been complied with:-

**Condition 8**

No dwellings on the site shall be occupied until the vehicular access to it and the vehicular parking spaces serving it have been constructed to the satisfaction of the Local Planning Authority, and the vehicle parking spaces shall thereafter be so retained.

**Reason**

To ensure the existing highway is maintained in a safe manner in the interests of residential amenity.

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 condition by taking the following steps:-

**Requirement No. 1**

Construct the vehicle access points to serve the vehicle parking spaces to the satisfaction of the Local Planning Authority.

**Time for Compliance:**

**Requirement No.1**

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: 

Dated: 11th June 2012

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 £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 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**



# Location Map



## Details

Plotting in MapInfo made easier

Drawn by

walkek2

Scale

1:1000

Date

31/05/2012

File Pathname / Project / Drawing No.

Rev  
No.

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## TOWN AND COUNTRY PLANNING ACTS

### NOTICE OF DECISION

**Application Number:** DC/480/09/HEN

**Issuing Authority:** North East Lincolnshire Council

**Applicant's Name and Address:**

Warnerland Estates  
Mr M Warner  
46 Park Drive  
Grimsby  
N E Lincolnshire  
DN32 0EG

**Agent's Name and Address:**

Ross Davy Ltd  
Pelham House  
1 Grosvenor Street  
Grimsby  
N E Lincolnshire  
DN32 0QH

The following decision has been made upon your application received on **16th June 2009** relating to:-

**Application Site:** Rear of 232 & 234 Hainton Avenue (Land adjoining Willingham Street)  
Grimsby N E Lincolnshire

**Proposal:** Proposed residential development to form 4 link dwellings, drop kerb access & landscaping

**Minded to approve, subject to the following conditions and subject to the applicant providing**

**1 Condition**

The development hereby permitted shall be begun within a period of three years from the date of this permission.

**Reason**

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

**2 Condition**

The development hereby permitted shall not commence until details and/or samples of all external materials to be used in the external construction of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority.

**Reason**

To ensure that the proposed development has an acceptable external appearance and is in keeping with the visual amenity and character of the area.

**3 Condition**

The development hereby approved shall be carried out in complete accordance with the Flood Risk Assessment produced by Ross Davy Associates (received 16 June 2009). This shall include finished floor levels made of solid construction, set no lower than 3.5 metres above ordnance datum. The applicant shall confirm completion of the approved scheme within one month of having done so.

**Reason**

To reduce the risk and impact of flooding.

**4 Condition**

No development approved by this permission shall be commenced until a scheme for the provision and implementation of foul drainage works has been approved in writing by the Local Planning Authority, such a scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority.

**Reason**

To prevent the increased pollution of the water environment.

**5 Condition**

No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been approved in writing by the Local Planning Authority, to include on-site attenuation measures. Such a scheme shall be implemented to the satisfaction of the Local Planning Authority.

**Reason**

To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

**6 Condition**

Notwithstanding the details submitted, no development hereby approved shall take place until a scheme of landscaping (to include details of the number, species, sizes and positioning of any planting) for the building forecourt has been submitted to, and agreed in writing, with the Local Planning Authority. The landscaping scheme shall thereafter be implemented in accordance with the agreed details.

**Reason**

In the interests of visual amenity.

**7 Condition**

Notwithstanding the details submitted, the forecourt area shall be constructed of porous materials and/or positively drained, details of which are to be submitted to and agreed with the Local Planning Authority, and thereafter implemented in accordance with the agreed details.

**Reason**

To prevent surface water run-off, in the interests of reducing the risk and effects of flooding.

**8 Condition**

No dwellings on the site shall be occupied until the vehicular access to it and the vehicle parking spaces serving it have been constructed to the satisfaction of the Local Planning Authority, and the vehicle parking spaces shall thereafter be so retained.

**Reason**

To ensure that the existing highway is maintained in a safe manner in the interests of residential amenity.

**9 Condition**

No machinery shall be operated, no process shall be carried out and no deliveries to be taken in or dispatched from the site in connection with the construction of the development hereby approved outside the hours of 8.00 am to 6.00 pm Monday to Friday, 8.00 am to 1.00 pm

Saturday and not on Sundays or Bank Holidays or any other time unless agreed in writing with the Local Planning Authority.

**Reason**

To protect the amenities of nearby residents.

**10 Condition**

The development hereby approved shall be completed in accordance with the approved drawings RD:2356-01 (proposed site plan, received 16 June 2009), RD:2536/03 revision B (general arrangement as proposed received 16 June 2009), RD:2536-04 (site location plan, received 16 June 2009), RD:2536-05 (streets section and section A-A, received 16 June 2009), all by Ross Davy Associates.

**Reason**

For the avoidance of doubt and to ensure the development proceeds in a satisfactory manner in accordance with the approved plans and specifications.

**11 Informative**

As works are required within the existing highway in order to enable the development to take place, please contact the Highways Management Section of the Council well in advance of the commencement of works (tel:- 01472 324431)

**12 Reason for Approval**

The development provides needed affordable housing on a brownfield site assisting regeneration of the area and improving community safety. These matters outweigh flood risk considerations in this case.

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

**Signed:**



**Dated: 23rd September 2009**

**Marc Cole**

**Official Capacity: Executive Director of Regeneration**