

**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/936/11/PAR 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 34 Dudley Street. Grimsby, North East Lincolnshire DN31 2AB (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 16<sup>th</sup> February 2012 as per approved planning application no .DC/936/11/PAR (attached hereto).

4. **The breach of conditions**

The following conditions have not been complied with:-

*Condition 3*

Details of the proposed walls and fences shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any work on site and the approved details shall be implemented to the satisfaction of the Local Planning Authority before the development is first occupied and shall thereafter be so retained.

*Reason*

To ensure a satisfactory finished appearance to the development and to safeguard residential amenity, in accordance with saved Policies GEN1, BH1 and BH8 of North East Lincolnshire Local Plan 2003.

#### *Condition 4*

Before commencement of the development, a detailed schedule of external renovation works shall be submitted to and approved in writing by the Local Planning Authority and development shall not be implemented other than in accordance with the approved schedule of works. The repairs included in the schedule shall be fully implemented before development is occupied.

The schedule to be submitted shall provide for:

- a) Retention and repair of all windows unless otherwise agreed in writing with the Local Planning Authority.
- b) Retention and repair of all doors and windows unless otherwise agreed in writing with the Local Planning Authority.
- c) Retention and repair of all stonework
- d) Repair of all brickwork including details and extent of pointing, mortar mix and method of raking out brickwork) A sample are of repointing will be made available to the Local Planning Authority;
- e) Retention and repair of all rainwater goods, eaves details and any other decorative architectural feature.

#### *Reason*

In the interests of the architectural and visual integrity of the overall development and the character and visual amenity of this part of the Conservation Area in which it is set. This condition is imposed in accordance with saved Policy BH1 of the North East Lincolnshire Local Plan 2003.

#### *Condition 5*

Prior to the commencement of the works, cross sections, profiles and details at a scale of 1:10 showing construction of the proposed doors and windows shall be submitted for written approval by the Local Planning Authority and the approved details shall be implemented in their entirety to the satisfaction of the Local Planning Authority.

#### *Reason*

To ensure features which will be destroyed, removed, altered or covered in the course of the works for which permission has been given are properly recorded and that the new development is in keeping with the character and appearance of the building.

### **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**

Submit details of the proposed walls and fences to the Local Planning Authority for written approval.

## **Requirement No. 2**

Submit a detailed schedule of external renovation works to the Local Planning Authority for approval in writing. The schedule to be submitted shall provide for:

- a) Retention and repair of all windows unless otherwise agreed in writing with the Local Planning Authority.
- b) Retention and repair of all doors and windows unless otherwise agreed in writing with the Local Planning Authority.
- c) Retention and repair of all stonework
- d) Repair of all brickwork including details and extent of pointing, mortar mix and method of raking out brickwork) A sample area of repointing will be made available to the Local Planning Authority;
- e) Retention and repair of all rainwater goods, eaves details and any other decorative architectural feature.

## **Requirement No. 3**

Submit cross sections, profiles and details at a scale of 1:10 showing construction of the proposed doors and windows to the Local Planning Authority for written approval.

### **Time for Compliance:**

### **Requirement No. 1 to 3 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:



Dated:

28<sup>th</sup> FEBRUARY 2014

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:** DC/936/11/PAR

**Issuing Authority:** North East Lincolnshire Council

**Applicant's Name and Address:**

Cawthorpe Estates Ltd  
Wellowgate House  
13 Wellowgate  
Grimsby  
North East Lincolnshire  
DN32 0RA

**Agent's Name and Address:**

K D Design (Lincolnshire) Ltd  
Mr Dave Hickinson  
Alexandra Dock Business Centre  
Fisherman's Wharf  
Grimsby  
North East Lincolnshire  
DN31 1UL

The following decision has been made upon your application received on **24th November 2011** relating to:-

**Application Site:** 34 Dudley Street (Former NHS Property) Grimsby North East Lincolnshire

**Proposal:** Conversion of former NHS Clinic into 4 one bedroom flats, 1 one bedroom townhouses and 3 two bedroom townhouses with parking.

**Granted subject to:-**

**1 Condition**

The development hereby permitted shall commence 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**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no development under Schedule 2, Part 1 or Part 40 shall be permitted within the curtilage of the dwellings.

**Reason**

To protect residential amenities of surrounding residents, the visual character of the Wellow Conservation Area and to accord with saved Policies GEN1, BH1 and BH8 of the North East Lincolnshire Local Plan 2003.

**3 Condition**

Details of the proposed walls and fences shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any work on site and the approved details shall be implemented to the satisfaction of the Local Planning Authority before the development is first occupied and shall thereafter be so retained.

Reason

To ensure a satisfactory finished appearance to the development and to safeguard residential amenity, in accordance with saved Policies GEN1, BH1 and BH8 of the North East Lincolnshire Local Plan 2003.

- 4 Before commencement of the development, a detailed schedule of external renovation works shall be submitted to and be approved in writing by the Local Planning Authority and development shall not be implemented other than in accordance with the approved schedule of works. The repairs included in the schedule shall be fully implemented before the development is occupied.

The schedule to be submitted shall provide for:

- a. Retention and repair of all windows unless otherwise agreed in writing with the Local Planning Authority;
- b. Retention and repair of all doors unless otherwise agreed in writing with the Local Planning Authority;
- c. Retention and repair of all stonework;
- d. Repair of all brickwork including details and extent of pointing, mortar mix and method of raking out brickwork) A sample area of repointing will be made available to the Local Planning Authority;
- e. Retention and repair of all rainwater goods, eaves details and any other decorative architectural feature

Reason

In the interests of the architectural and visual integrity of the overall development and the character and visual amenity of this part of the Conservation Area in which it is set. This condition is imposed in accordance with saved Policy BH1 of the North East Lincolnshire Local Plan 2003.

5 Condition

Prior to the commencement of the works, cross sections, profiles and details at a scale of 1:10 showing construction of the proposed doors and windows shall be submitted for written approval by the Local Planning Authority and the approved details shall be implemented in their entirety to the satisfaction of the Local Planning Authority.

Reason

To ensure features which will be destroyed, removed, altered or covered in the course of the works for which permission has been given are properly recorded and that the new development is in keeping with the character and appearance of the building.

6 Condition

Before the development is brought into use the vehicular access, parking spaces and manoeuvring space shall be constructed in accordance with the details approved to the satisfaction of the Local Planning Authority and shall thereafter be so retained.

Reason

To ensure adequate parking and turning facilities are provided within the site for highway safety reasons and in accordance with saved Policy T6 of the North East Lincolnshire Local Plan 2003.

7 Condition

Within the areas of land required for the visibility splays, nothing shall at any time be erected, retained or allowed to grow over one metre in height above the carriageway level of the

adjoining highway.

**Reason**

In the interests of road safety and in accordance with saved Policy T6 of the North East Lincolnshire Local Plan 2003.

**8 Condition**

Prior to the commencement of the development, a scheme of soundproofing shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be implemented in its entirety prior to the accommodation being first occupied and shall thereafter be so retained.

**Reason**

To provide acceptable noise attenuation measures so as to protect residential amenity and in accordance with saved Policies GEN1 and H13 of the North East Lincolnshire Local Plan 2003.

**9 Condition**

Prior to the commencement of the development, a scheme of opportunities for biodiversity enhancement shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the agreed details prior to occupation of the dwellings.

**Reason**

To facilitate opportunities for biodiversity enhancement in accordance with National Planning Policy Statement PPS9 (Planning and Biodiversity).

**10 Condition**

The development shall be carried out in accordance with the following plans: KD03769.03 "Proposed Plans" (received 24th November 2011); KD03796.04 "Proposed Elevations" (received 24th November 2011); and KD03796.07C (received 16th February 2012), all by KD Design Ltd.

**Reason**

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


**11 Reason for Approval**

The development would bring back into use a vacant building in a prominent location in the Wellow Conservation Area, enabling its restoration and preservation. It is considered a sustainable and accessible location for residential development and would not be expected to unduly harm the amenities of neighbouring properties. This proposal has been approved in accordance with the North East Lincolnshire Local Plan 2003 and particularly saved Policies GEN1, BH1, BH8, H13 and T6.

**12 Informative**

As works are required within the existing highway to enable the development to take place, please contact the Highways Management Team on 01472-324431 and well in advance of work starting.

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

Signed: 

Dated: 16th February 2012

**Marc Cole**

**Official Capacity: Executive Director of Regeneration**



