

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/343/12/WAB 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 75 High Street, Waltham, Cleethorpes, 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 2nd July 2012 as per approved planning application no. DC/343/12/WAB (attached hereto).

4. **The breach of conditions**

The following conditions have not been complied with:-

Condition 3

Before the use commences, details shall be submitted to and approved in writing by the Local Planning Authority of all external ventilation and extraction equipment including their acoustic performance and the method of odour control. Such approved scheme shall be completed, prior to the use commencing, to the satisfaction of the Local Planning Authority and shall thereafter be so retained.

Reason

To ensure satisfactory ventilation/extraction systems are provided to protect surrounding residents from the adverse effects from cooking smells and to accord 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

Submit details of the method of odour control for the ventilation and extraction equipment installed, for the written approval 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: 10th Jan 2013

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

Location Map



TOWN AND COUNTRY PLANNING ACTS

NOTICE OF DECISION

Application Number: DC/343/12/WAB

Issuing Authority: North East Lincolnshire Council

Applicant's Name and Address:

Mohammad Hussain Jakir &
Mohammed Shamsul Alum
13 Abbots Way
Grimsby
North East Lincolnshire

Agent's Name and Address:

Trevor Gibson
41 Beaufort Crescent
Cleethorpes
North East Lincolnshire
DN35 0RR

The following decision has been made upon your application received on **24th April 2012**

Application Site: 75 High Street Waltham Grimsby North East Lincolnshire

Proposal: Change of use to form a restaurant and installation of a flue vent.

Granted subject to:-

- 1 Condition**
The change of use 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 be carried out in accordance with the approved plans date stamped 24th April 2012.

Reason
For the avoidance of doubt and in the interests of proper planning.
- 3 Condition**
Before the use commences, details shall be submitted to and approved in writing by the Local Planning Authority of all external ventilation and extraction equipment including their acoustic performance and the method of odour control. Such approved scheme shall be completed, prior to the use commencing, to the satisfaction of the Local Planning Authority and shall thereafter be so retained.

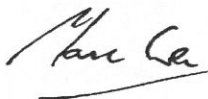
Reason
To ensure satisfactory ventilation/extraction systems are provided to protect surrounding residents from the adverse effects from cooking smells and to accord with saved Policy GEN1 of the North East Lincolnshire Local Plan 2003.

4 Reason for Approval

The Council as Local Planning Authority has had regard to the relevant policies of the development plan especially those as set out in the North East Lincolnshire Local Plan 2003. The proposal would not harm the character of the area or the amenity of local residents and would be acceptable in all other planning considerations. This proposal has been approved in accordance with the North East Lincolnshire Local Plan 2003 in particular saved Policies GEN1, BH1 and S7.

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

Signed:



Dated: 2nd July 2012

Marc Cole

Official Capacity: Executive Director of Regeneration