

**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/945/09/HUM 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 Station Road (Station Mews Plots 5, 6 & 7), New Waltham, 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 10<sup>th</sup> March 2010 (attached hereto).

- 4. The breach of conditions**

The following condition has not been complied with:-

**Condition 5**

The scheme of landscaping and tree planting to be approved by the Local Planning Authority shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All planting shall be adequately maintained for the period of 5 years beginning with the date of completion of the scheme and during that period all losses shall be replaced during the next planting season to the satisfaction of the Local Planning Authority.

**Reason**

To ensure a satisfactory appearance and setting for the approved development, and to ensure the continued maintenance of the approved landscaping in the interests of local amenity

5. **What you are required to do**

As the person responsible for the breach of conditions specified in paragraph 4 of this notice, you are required to comply with the stated conditions by taking the following steps:-

**Requirement No. 1**

Agree a revised landscaping with scheme with the Local Planning Authority in lieu of the existing landscaping removed without the consent.

**Requirement No. 2**

Carry out the revised landscaping scheme to the satisfaction of the Local Planning Authority.

**Time for Compliance:**

**Requirement No.1**

60 Days from the date this notice takes effect.

**Requirement No.1**

90 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:

24<sup>th</sup> June 2011

**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**

## NOTICE OF DECISION

**Application Number:** DC/945/09/HUM

**Issuing Authority:** North East Lincolnshire Council

**Applicant's Name and Address:**

Station Mews Dev. Co. Ltd  
Mr R Marshall  
126 Grimsby Road  
Humberston  
Grimsby  
N E Lincolnshire  
DN36 4AH

**Agent's Name and Address:**

John Derbyshire Design Ltd  
6A St Mary's Lane  
Louth  
Lincolnshire  
LN11 0DT

The following decision has been made upon your application received on **22nd October 2009**

**Application Site:** Station Road (Station Mews, Plots 5, 6 & 7) New Waltham Grimsby

**Proposal:** Erection of three linked dwellings & erect garage with car parking spaces amending previous approved scheme

### Granted subject to:-

**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**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting that Order with or without modification) no development under Schedule 2, Part 1, Class A, B, C, D, E, F, G & H shall be permitted within the curtilage of the dwelling(s) hereby permitted.

**Reason**

In order to protect residential amenity of surrounding residents, and the visual character of the area.

**3 Condition**

The external materials to be used in the construction of the dwellings and garage shall match the materials used in the construction of the rest of the estate known as Station Mews.

Reason

To maintain the appearance of the estate.

4 Condition

No development, hereby approved, shall be commenced on the site until:-

- (a) a scheme of landscaping showing the details of the number, species, sizes and planting positions of all trees and shrubs to be planted has been submitted and approved in writing;
- (b) a plan including details of all trees within the site to be retained, any trees to be felled, the hedgerows to be retained, any sections of hedgerow or trees which are to be removed;
- (c) measures for the protection of trees and hedges during construction work,

have been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure a satisfactory appearance and setting for the approved development and protection of existing features in the interests of local amenity.

5 Condition

The scheme of landscaping and tree planting to be approved by the Local Planning Authority shall be carried out in its entirety within the period of 12 months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All planting shall be adequately maintained for the period of 5 years beginning with the date of completion of the scheme and during that period all losses shall be replaced during the next planting season to the satisfaction of the Local Planning Authority

Reason

To ensure a satisfactory appearance and setting for the approved development, and to ensure the continued maintenance of the approved landscaping in the interests of local amenity.

6 Condition

Prior to the first occupation of the dwellings hereby approved a screen 2 metres high fence of a design and location to be agreed with the Local Planning Authority shall be erected to the side of plot 5 and shall be retained as such thereafter.

Reason

To protect neighbours amenities.

7 Condition

The hedge row to be approved in writing on the western boundary to the site shall be allowed

to grow up to a height of 3 metres and shall be maintained as such thereafter.

Reason: To maintain neighbour privacy and create an attractive natural boundary to the site.

**8 Condition**

The windows as shown cross hatched on the approved plans shall be glazed in obscure glass and permanently fixed prior to the development hereby permitted being occupied and shall be thereafter so retained.

Reason

To protect the residential amenity of surrounding residents.

**9 Condition**

The development hereby approved shall be completed in strict accordance with the plans/ documents provided John Derbyshire Design Partnership Ltd with the North East Lincolnshire Council date stamp of 22 Oct 2009 & 14 Jan 2010 and includes drawing nos. / titles: 2333-3 Rev A, 2433-10 Rev B, 1:1250 Ordnance Survey Map & Design and Access Statement.

Reason

To protect neighbours amenities.

**10 Reason for Approval**

The development hereby approved would maintain the appearance of the estate and neighbours amenities to a reasonable level whilst providing much needed homes and an additional off street car parking space in accordance with Saved Policies: GEN1, NH5, NH6 and T6 of the North East Lincolnshire Local Plan 2003.

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

Signed:



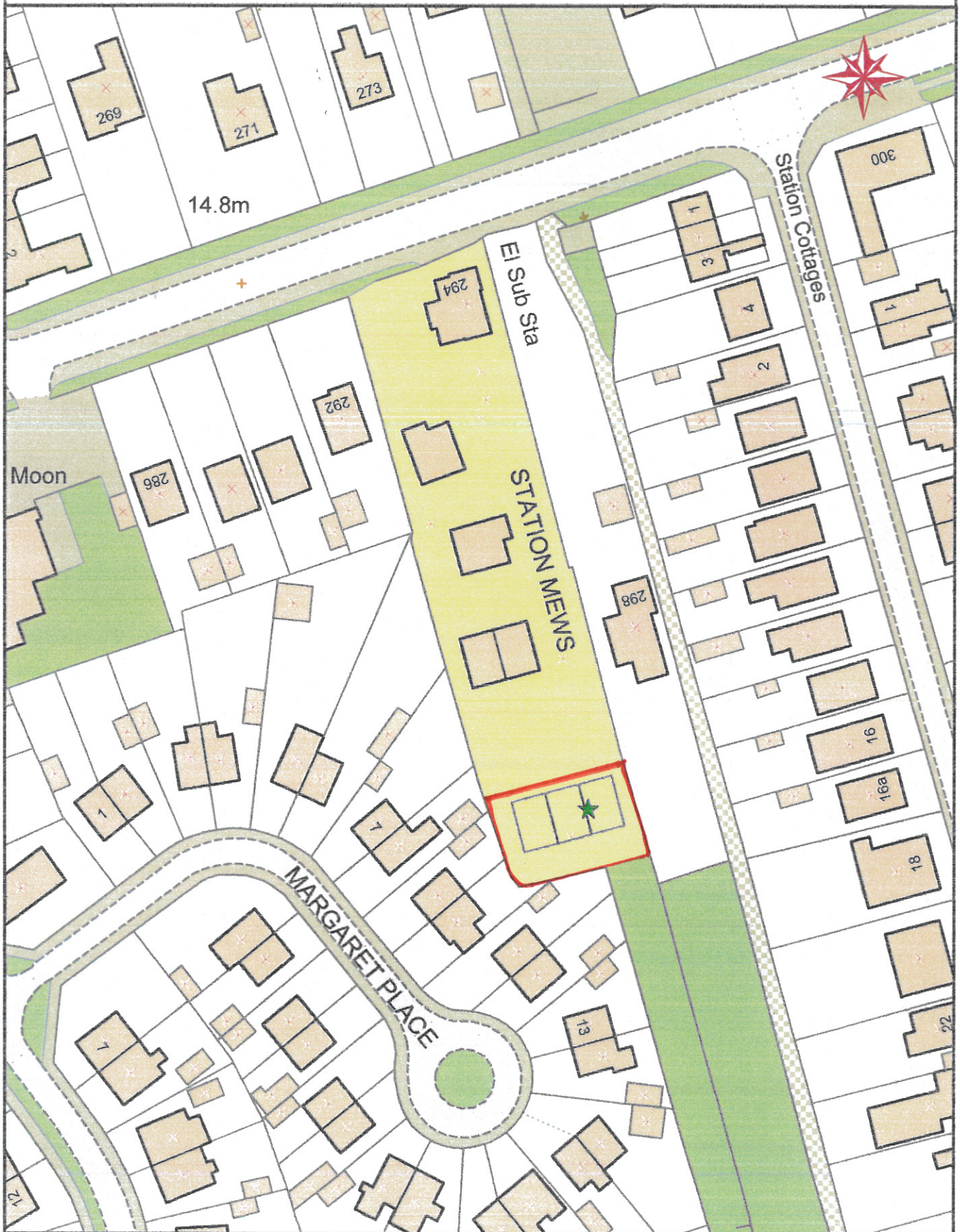
Dated: 10th March 2010

Marc Cole

Official Capacity: Executive Director of Regeneration



# Location Map



<b>Details</b> Plotting in MapInfo made easier			<b>Rev</b> <b>No.</b>	This product includes mapping data licensed from Ordnance Survey with the permission of the Controller of HMSO. © Crown Copyright 2006. All rights reserved. Licence number 100020759	
<b>Drawn by</b> walkek2	<b>Scale</b> 1:1000	<b>Date</b> 20/06/2011		Aligned Assets Limited Links One, Links Business Centre Old Woking Road, Old Woking Surrey, GU22 8BF	<a href="http://www.aligned-assets.co.uk">www.aligned-assets.co.uk</a>
<b>File Pathname / Project / Drawing No.</b>					