

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: Mr Mohammad Hussain Jakir

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 DM/0645/15/FUL 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 34-36 Louth Road, Grimsby, North East Lincolnshire DN33 2EP (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 9th October 2015 as per approved planning application no .DM/0645/15/FUL (attached hereto).

4. **The breach of conditions**

The following conditions have not been complied with:-

Condition 3

The development shall be carried out in accordance with the following plans; Location Plan, Block Plan, Existing Plans & Elevations – dated 18th September 2015
Proposed Plans & Elevations – dated 18th September 2015

Reason

For the avoidance of doubt in the interests of proper planning and in accordance with saved policy GEN1 of the North East Lincolnshire Local Plan

Condition 5

Prior to the use of the premises as a restaurant, a Waste Strategy scheme shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be adhered to for the life of the development. The Waste Strategy shall include methods and location of storage of waste on site and how this would be disposed of.

Reason

To provide acceptable refuse facilities in the interests of residential amenity and the environment in accordance 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

Alter the external extraction flue to comply with the approved plan dated 18th September 2015 (as attached).

Requirement No. 2

Submit a waste strategy scheme to include methods and location of the storage of waste on site and methods of disposal for written approval by the Local Planning Authority.

Time for Compliance:

Requirement No. 1 & 2 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: 21-1-16

On behalf of: North East Lincolnshire Borough Council

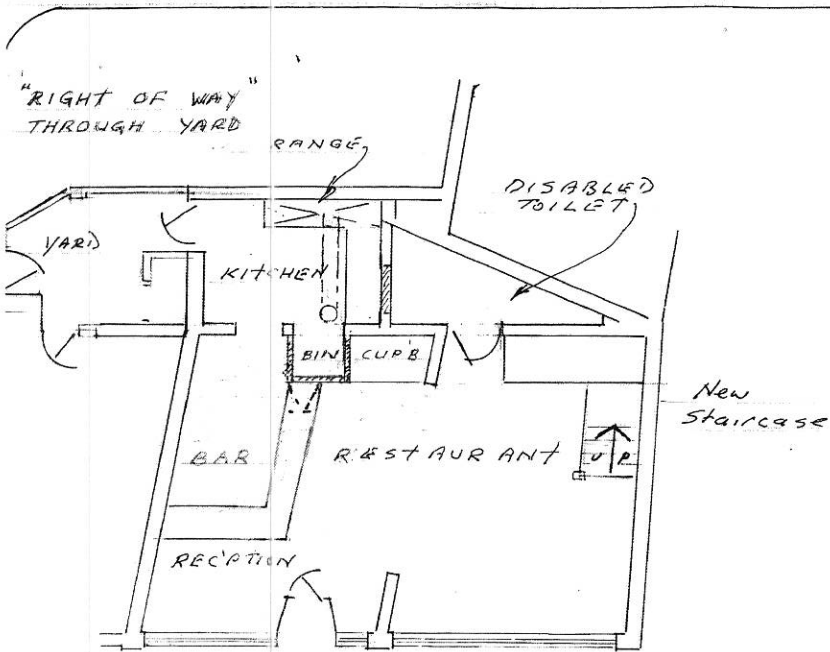
WARNING

There is no right of appeal to The Secretary Of State for The Environment against the notice

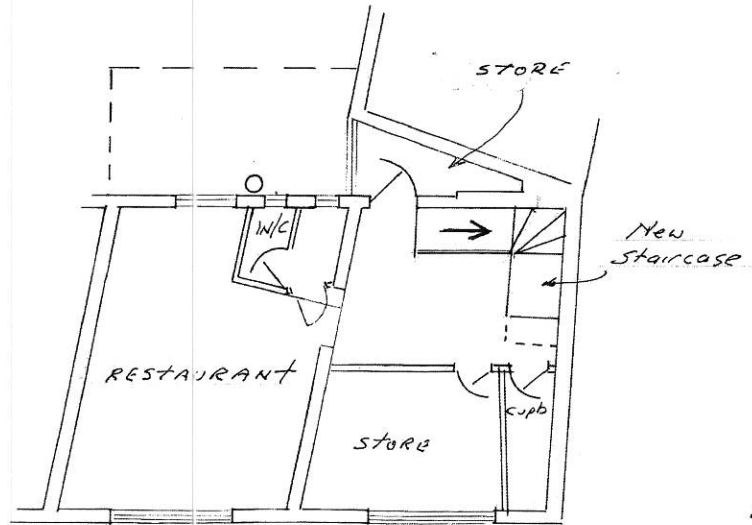
It is an offence to contravene the requirements stated in paragraph 5 of this notice after the end of the compliance period. You will then be at risk of immediate prosecution in the Magistrates' Court, for which the maximum penalty is £2,500 for a first offence and for any subsequent offence. If you are in any doubt about what this notice requires you to do, you should get in touch immediately with Miss K Walker, Planning and Transportation Department, Origin Two, 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.

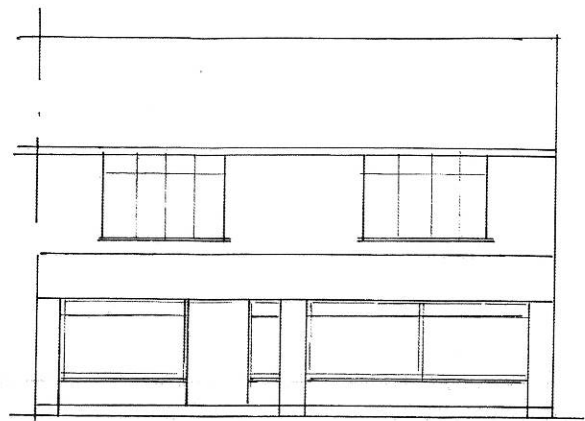
Do not leave your response to the last minute



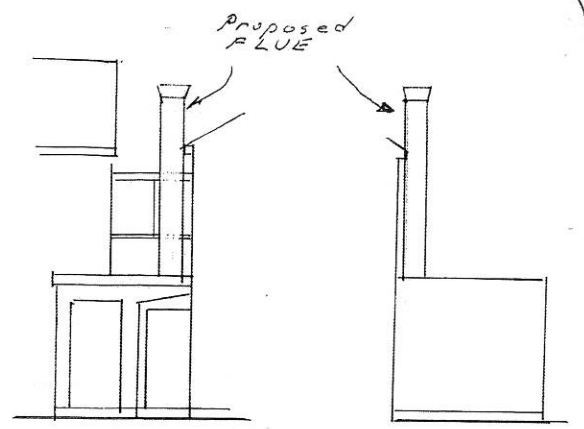
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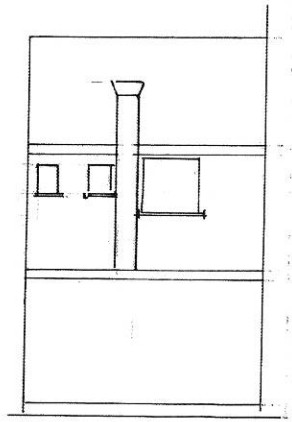


FRONT ELEVATION



SIDE ELEVATION SOUTH

SIDE ELEVATION NORTH



REAR ELEVATION (WEST)

PROPOSED DETAILS
 PROPOSED "CHANGE OF USE" TO FORM
 A RESTAURANT
 34-36 LOUTH RD GRIMSBY

T. Gibson.
 Tel: 694554

NOTICE OF DECISION

Application Number: DM/0645/15/FUL

Issuing Authority: North East Lincolnshire Council

Applicant's Name and Address:	Agent's Name and Address:
J Hussain 13 Abbots Way Grimsby North East Lincolnshire DN32 0HB	Lincs Design Consultancy Pawnshop Passage Mercer Row Louth Lincolnshire LN11 9JQ

Proposal: Change of use and installation of extraction flue to rear to form a restaurant

Application Site: 34-36 Louth Road Grimsby North East Lincolnshire DN33 2EP

The following decision has been made upon your application received on 14th July 2015.

Granted subject to: -

- 1 Condition
The development hereby permitted shall begin within three years of the date of this permission.

Reason

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

- 2 Condition
The premises shall not be open for business, trade or supply of any deliveries outside the hours of 9am to 11pm hours on any day.

Reason

To protect the amenities of neighbouring residents in accordance with saved Policy GEN1 of the North East Lincolnshire Local Plan 2003.

- 3 Condition
The development shall be carried out in accordance with the following plans:

Location Plan, Block Plan, Existing Plans & Elevations - dated 18th September 2015

Proposed Plans & Elevations - dated 18th September 2015

Reason

For the avoidance of doubt in the interests of proper planning and in accordance with saved policy GEN1 of the North East Lincolnshire Local Plan.

4 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 works for the conversion of the building hereby approved outside the hours of 8.00 am to 6.00 pm Monday to Friday, 8.00 am to 1pm 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 in accordance with saved policy GEN1 of the North East Lincolnshire Local Plan.

5 Condition

Prior to the use of the premises as a restaurant, a Waste Strategy scheme shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be adhered to for the life of the development. The Waste Strategy shall include methods and location of storage of waste on site and how this would be disposed of.

Reason

To provide acceptable refuse facilities in the interests of residential amenity and the environment in accordance with saved policy GEN1 of the North East Lincolnshire Local Plan.

Informatives:-

1 Reason for approval

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan 2003. The proposal would not harm the character of the conservation area or residential amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2003 and in particular saved Policy GEN1, BH1 and S7.

2 Added Value Statement

Article 31(1)(cc) Statement - Positive and Proactive Approach

In accordance with paragraph 187 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner with the applicant to seek solutions to problems arising, by working with the applicant on issues of amenity and design.

This Notice is issued on behalf of North East Lincolnshire Planning Authority.

acBlake

Signed:

Angela Blake

Official Capacity: Director of Economy and Growth - Place

Date: 9th October 2015

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