

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/1435/06/HAV 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 Plots 11-12-15 Heythrop Road, Cleethorpes (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 26th February 2007 as per approved planning application no. DC/1435/06/HAV (attached hereto).

4. **The breach of conditions**

The following conditions have not been complied with:-

Condition 8

Before the bungalow hereby approved is first occupied a footpath along the side of Taylor's Avenue between the footpath links at Cattistock Road and Heythrop Road shall be laid out to adoptable standards to the satisfaction of the Local Planning Authority and the Local Highways Authority.

Reason

To allow safe access to the site.

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

Construct a footpath along the side of Taylor's Avenue between the footpath links at Cattistock Road and Heythrop Road to the satisfaction of the Local Planning Authority and the Local Highways Authority.

Time for Compliance:

Requirement No.1

60 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:

21ST 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



TOWN AND COUNTRY PLANNING ACTS

APPLICATION NO.
DC/1435/06/HAV

NOTICE OF DECISION

Issuing Authority	North-East Lincolnshire Borough Council
Applicant's Name and Address	Mager homes Ltd Laburnum Farm Livesey Road Ludborough DN36 5SF
Agent's Name and Address	Mager homes Ltd Laburnum Farm Livesey Road Ludborough DN36 5SF
Application Site	The following decision has been made upon your application received on 6th November 2006 relating to:- 11-12-15 Heythrop Road Cleethorpes
Proposed Development	Amendment to DC/24/01/HAV - amended design to approved bungalow & garage on No. 12, & garages on Nos 11 & 15

PERMISSION IS HEREBY:-

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

The development hereby permitted shall not commence until details and/or samples of the materials to be used in the construction of the exterior walls and roof of the dwellings 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

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.

4 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.

5 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, Class A, B, C, D, E, F 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.

6 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 2, Class A shall be permitted within the front curtilage of the dwelling(s) hereby approved.

Reason

To preserve the open plan nature of the development.

7 Condition

No dwelling on the site shall be occupied until the access road has been constructed to at least base course level and adequately lit from the connection with the existing carriageway up to the dwelling, to the satisfaction of the Local Planning Authority.

Reason

To ensure that the proposed access roads are made up as soon as possible and in the interests of public safety.

8 Condition

Before the bungalow hereby approved is first occupied a footpath along the side of Taylor's Avenue between the footpath links at Cattistock Road and Heythrop Road shall be laid out to adoptable standards to the satisfaction of the Local Planning Authority and the Local Highways Authority.

Reason

To allow safe access to the site.

9 Informative

As this site lies within 250 metres of a landfill site the Environment Agency was consulted on this application. Although the Environment Agency had no comments to offer on the application with respect to landfill matters this opinion is based on their current knowledge of the landfill site. It is not an absolute guarantee that the landfill site is free of contamination or that it is not generating landfill gas. You are therefore reminded that the responsibility for safe development and secure occupancy of the application site rests with the developer who should take appropriate measures to ensure that the site is not affected by landfill gas.

10 Informative

Approval of this permission does not negate the requirement to fulfil the terms of the Section 106 agreement attached to planning permission ref no. DC/24/01/HAV.

11 Informative

The proposed modifications would not appear out of keeping with this area and would not detract from neighbours amenities, highway safety or sustainable values in accordance with Policies GEN1, GEN3, GEN4, H1, Sub Section 2, H6, T6 and T3 of the North East Lincolnshire Local Plan.

12 Informative

The plans approved under this permission are as follows: the 1:500 layout plan with the NELC date stamp of 2 feb 2007 and drawing nos. 2179-32 Type C Rev A, and the double garage type to be erected on the Belvoir Park Estate, Cleethorpes for Mager Homes Ltd.

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

Signed:

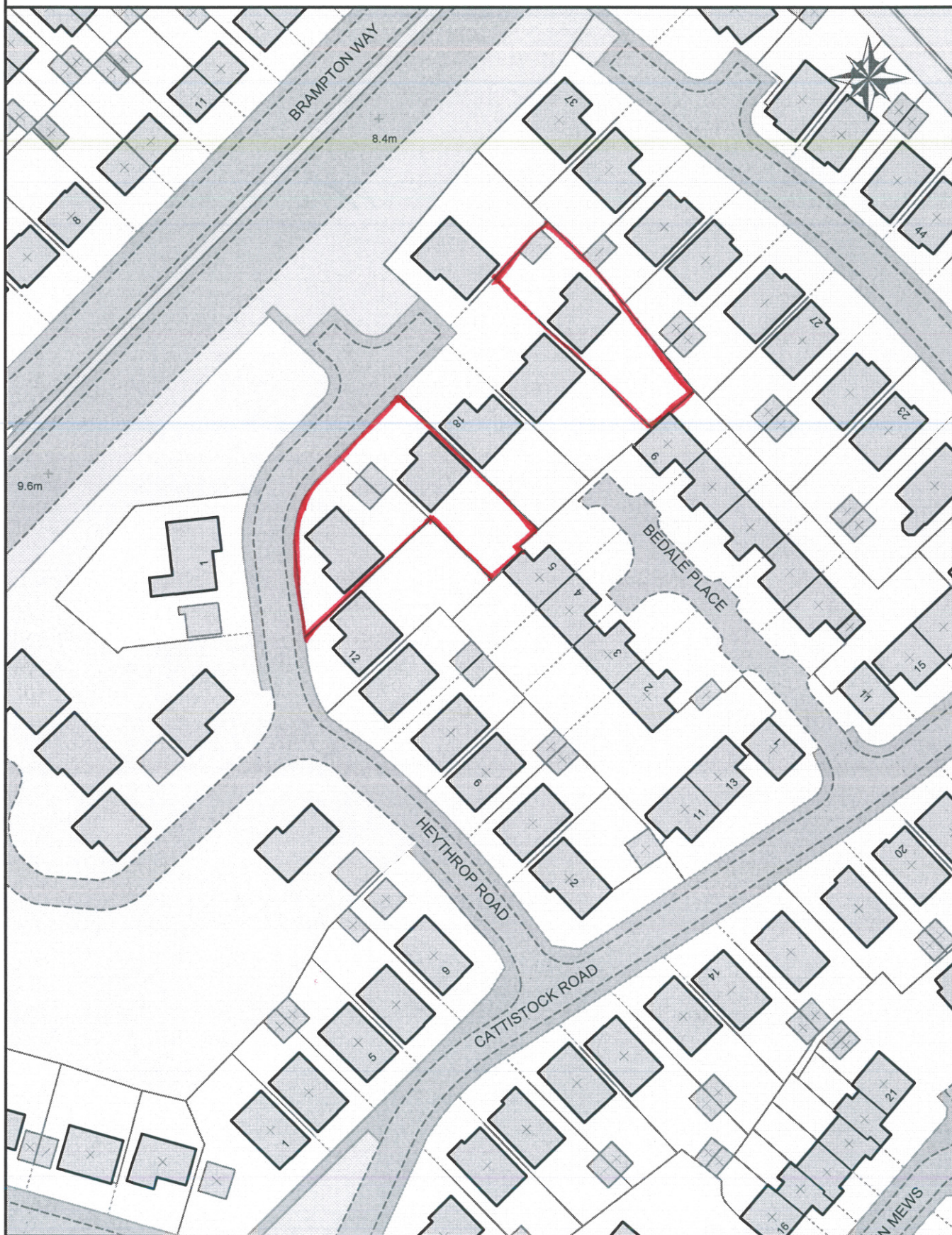


Ray Oxbby

6th February 2007

Official Capacity: Executive Director of Environmental Services

Location Map



Details

Plotting in MapInfo made easier

Drawn by

walkek2

Scale

1:1000

Date

17/06/2011

Rev
No.

File Pathname / Project / Drawing No.

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