

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/197/09/SCA 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 11 Waltham Road, Grimsby, North East Lincolnshire DN33 2LY (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 23rd June 2009 as per approved planning application no. DC/197/09/SCA (attached hereto).

4. **The breach of conditions**

The following conditions have not been complied with:-

Condition 4

Prior to the commencement of the development hereby permitted 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 hereby permitted being first occupied and shall thereafter be so retained

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 a scheme of soundproofing in writing for approval by 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: 4-08-09

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 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

NOTICE OF DECISION

Application Number: DC/197/09/SCA

Issuing Authority: North East Lincolnshire Council

Applicant's Name and Address:

Mrs Lesley Kerr
28 Ings Lane
Waltham
N E Lincolnshire
DN37 0HB

The following decision has been made upon your application received on **3rd April 2009** relating to:-

Application Site: 11 Waltham Road Scartho N E Lincolnshire

Proposal: Change of use from a shop, ground and first floors, to a ground floor self contained shop with first floor self contained flat above

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 external materials to be used in the construction of the development hereby permitted shall match the existing buildings, in colour and texture, as specified on the approved plan.

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 demolition or construction work shall be carried out on or before 08:00 or after 18:00 Mondays to Fridays inclusive, before 08:00 or after 13:00 on Saturdays and at any time on Sundays or Bank Holidays.

Reason

To protect the amenities of nearby residents.

4 Condition

Prior to the commencement of the development hereby permitted 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 hereby permitted being first occupied and shall thereafter be so retained.

Reason

To provide acceptable noise attenuation measures so as to protect residential amenity.

5 Reason for Approval

The development would not be expected to adversely affect the visual appearance of the area, or harm the amenities of neighbouring properties or land uses. This application has been approved in accordance with the North East Lincolnshire Local Plan 2003, particularly saved Policies GEN1, BH1, H13 and S7.

6 Informative

This decision notice should be read in accordance with all plans with the NELC date stamp of the 3rd April and 6th May 2009.

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

Signed:



Dated: 23rd June 2009

Marc Cole

Official Capacity: Executive Director of Regeneration

Location Map

