

**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/82/08/WMA 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 14-16 Victoria Street, Grimsby, North East Lincolnshire DN31 4DP (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 9<sup>th</sup> June 2008 as per approved planning application no. DC/82/08WMA (attached hereto).

4. **The breach of conditions**

The following condition has not been complied with:-

**Condition 2**

The use of the land as an outside seating area shall cease and no seats, tables or screens shall be in a position at any time after 31<sup>st</sup> May 2010

**Reason**

To enable the Local Planning Authority to monitor the proposed use and assess the suitability for permanent planning permission in the interest of amenity of local businesses and the interests of crime prevention to accord with Policy GEN1 of the saves North East Lincolnshire Local Plan 2003.

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**

Remove all seats, tables and screen from outside of the premises.

**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:

9<sup>TH</sup> SEPTEMBER 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/82/08/WMA

**Issuing Authority:** North East Lincolnshire Council

**Applicant's Name and Address:**

Milligans Bakery Ltd  
Richmond House  
Brewery Court  
Jesmond  
Newcastle-upon-Tyne  
NE12 1XG

**Agent's Name and Address:**

Unthank Design  
6A Elvaston Road  
Ryton  
Tyne & Wear  
NE40 3NT

The following decision has been made upon your application received on **29th January 2008** relating to:-

**Application Site:** 14-16 Victoria Street Grimsby N E Lincolnshire

**Proposal:** Alterations to entrance and exit door, change of use of land to provide pavement seating area and erection of awnings and banner structures.

### 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 use of the land as an outside seating area shall cease and no seats, tables or screens shall be in position at any time after 31st May 2010.

Reason

To enable the Local Planning Authority to monitor the proposed use and assess the suitability for permanent planning permission in the interest of amenity of local businesses and the interests of crime prevention to accord with Policy GEN1 of the saved North East Lincolnshire Local Plan 2003.

- 3 Condition  
The awning shall be so located so as not to project below a height of 2.30m over the neighbouring footway or below 5m over the neighbouring highway.

Reason

In the interest of pedestrian and highway safety

**4 Condition**

The use of land as an outside seating area shall only be between the hours of 9am and 8pm on any day and at any other time all chairs, tables and screens shall be totally removed and stored inside the premises.

**Reason**

To define the permission in the interest of amenity and saved Policy GEN1 of the North East Lincolnshire Local Plan 2003.

**5 Condition**

The area of land to be used as an outdoor seating area shall be in accordance with drawing 47:07:03 received by the Local Planning Authority on 29th January 2008.

**Reason**

In the interest of local amenity, pedestrian activity and crime prevention to accord with saved Policy GEN1 of the North East Lincolnshire Local Plan 2003.

**6 Condition**

Prior to commencement of the use hereby permitted final details of the tables, chairs, screens and security monitoring arrangements to be used shall be submitted to and approved in writing by the Local Planning Authority. All furniture shall be freestanding and removable and shall be in accordance with the details so approved.

**Reason**

To protect the appearance and character of the conservation area to accord with saved Policy BH1 of the North East Lincolnshire Local Plan 2003.

**7 Condition**

No amplified music shall be played to the outside seating area hereby approved.

**Reason**

In the interest of amenity and the amenity of neighbouring business to accord with saved Policy GEN1 of the North East Lincolnshire Local Plan 2003.

**8 Informative**

This decision had regard to documents and plans received by the Local Planning Authority on 29th January and 14th April 2008.

**9 Informative**

This proposal has been approved in accordance with the North East Lincolnshire Local Plan 2003, particularly saved Policies GEN1, GEN16, S2 and BH1. The Local Planning Authority considers that the proposal would not harm the character of the area or of the central area conservation area or the amenity of local businesses and would be acceptable in all other planning considerations.

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

**Signed:**

A handwritten signature in black ink, appearing to be 'Ray Oxby', written over a horizontal line.

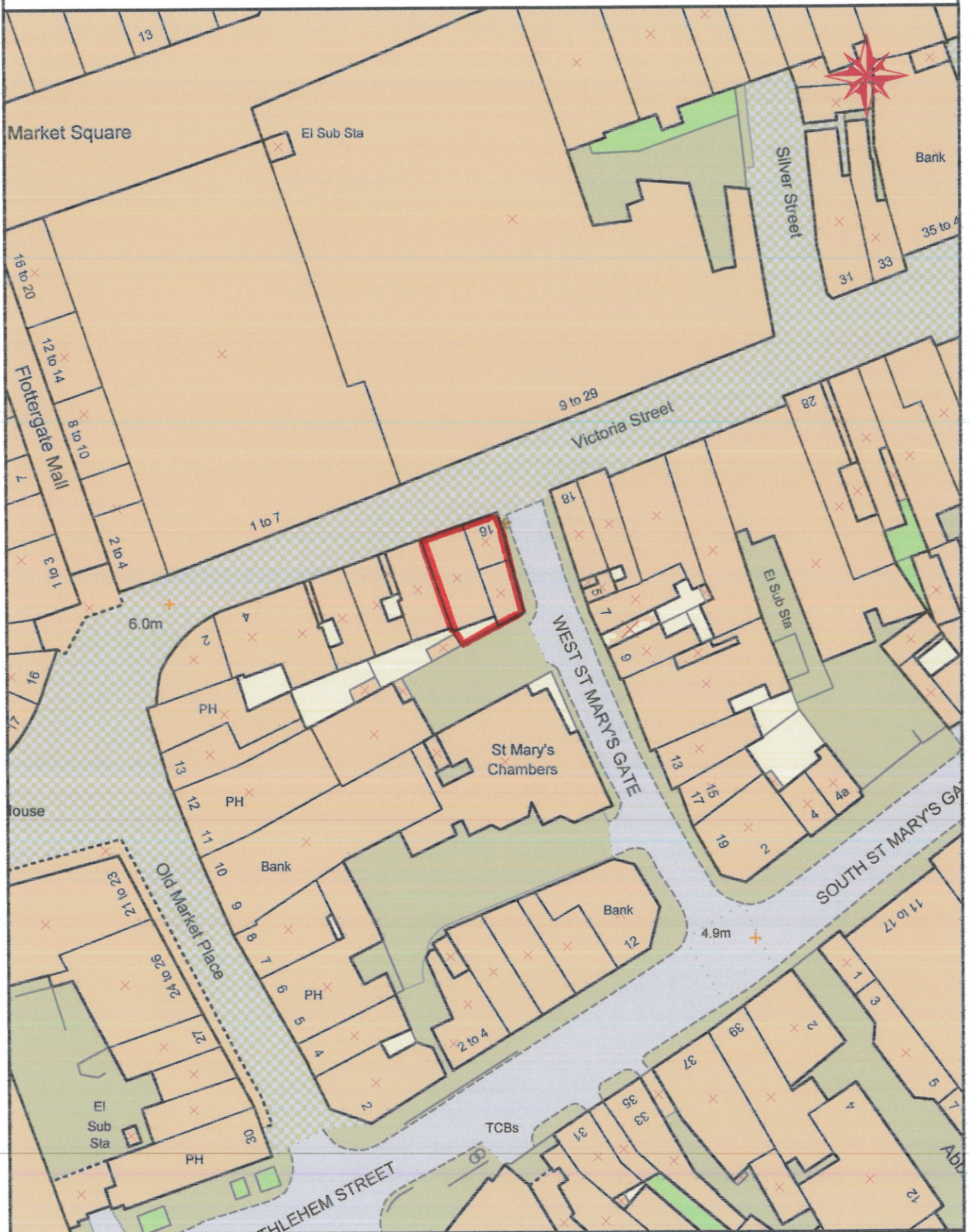
**Dated: 9th June 2008**

**Ray Oxby**

**Official Capacity: Executive Director of Environmental Services**



# 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 2010. All rights reserved. Licence number 100020759
<b>Drawn by</b> walkek2	<b>Scale</b> 1:-1000	<b>Date</b> 08/09/2011			
<b>File Pathname / Project / Drawing No.</b>					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>