

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/676/11/IMM 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 385 Pelham Road, Immingham, North East Lincolnshire DN40 1NG (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 19th October 2011 as per approved planning application no. DC/676/11/IMM (attached hereto).

4. **The breach of conditions**

The following conditions have not been complied with:-

Condition 2

The premises shall not be open for business, trade or supply of any deliveries outside the hours of

4.00pm-11.30pm Mondays – Thursdays

4.00pm-12.00pm Fridays and Saturdays and

4.00pm – 11.30pm Sundays and Bank Holidays

Reason

In the interests of local residential amenity to accord to 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

Cease all business, trade or supply of any deliveries outside of the hours stated above (in item 4)

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:

1-7-2013

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 **£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 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/676/11/IMM

Issuing Authority: North East Lincolnshire Council

Applicant's Name and Address:

Mr Ahmed Almasri
60 Humberston Avenue
Humberston
Grimsby
North East Lincolnshire
DN36 4SS

Agent's Name and Address:

Trevor Gibson
41 Beaufort Crescent
Cleethorpes
North East Lincolnshire
DN35 0RR

The following decision has been made upon your application received on **16th August 2011**

Application Site: 385 Pelham Road Immingham Grimsby North East Lincolnshire

Proposal: Change of use from offices to hot food takeaway and erect an extraction flue to rear

Granted subject to:-

- 1 Condition
The development hereby permitted shall commence 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 premises shall not be open for business, trade or supply of any deliveries outside the hours of 4.00pm -11.30pm Mondays – Thursdays; 4.00pm – 12.00pm Fridays and Saturdays; and 4.00pm – 11.30pm Sundays and Bank Holidays.

Reason
In the interests of local residential amenity to accord to saved Policy GEN1 of the North East Lincolnshire Local Plan.
- 3 Condition
Prior to the use commencing a scheme for the provision of litter bins in the location of the site shall be submitted to and approved by the Local Planning Authority. Such an approved scheme shall be implemented in full prior to the use hereby approved commencing and shall thereafter be so retained.

Reason
To reduce the potential for litter in the vicinity of the site in accordance with Policy GEN1 of the

4 Condition

Prior to the use hereby permitted commencing details shall be submitted to and approved in writing by the Local Planning Authority of all external ventilation and extraction equipment including their acoustic performance and, where applicable, the method of odour control. Such a scheme shall be implemented in its entirety prior to the use commencing to the satisfaction of the Local Planning Authority and shall thereafter be so retained.

Reason

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

5 Condition

The development hereby approved shall be carried out strictly in accordance with the plan received on 16th August 2011.

Reason

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

6 Reason for Approval

The proposed development has been considered in the light of Policies GEN1 and S7 of the North East Lincolnshire Local Plan and, subject to the attached conditions, would not unduly affect nearby residents or the amenity of the locality.

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

Signed:



Dated: 19th October 2011

Marc Cole

Official Capacity: Executive Director of Regeneration

Location Map



Details

Plotting in MapInfo made easier

Drawn by

walkek2

Scale

1:-1000

Date

01/07/2013

File Pathname / Project / Drawing No.

Rev
No.

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