

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/492/07/PAR 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 97-99 Littlefield Lane (Sainsbury's Local), Grimsby, North East Lincolnshire DN34 4PN

3. **The relevant planning permission**

The relevant planning permission to which this notice relates is the permission granted by the Council on the 22nd August 2007 as per approved planning application no. DC/492/07/PAR (attached hereto).

4. **The breach of condition**

The following condition has not been complied with:-

Condition 4

Notwithstanding the plans and details submitted, prior to the installation of any plant/machinery, a report detailing the Acoustic output and noise implications of the development shall be submitted to, and agreed in writing with the Local Planning Authority. The machinery/plant shall be operated in accordance with the details of the approved report and any such mitigation that is required shall be retained for the lifetime of the plant/machinery and any replacements that may be installed.

Reason

In order to protect the residential amenities of neighbouring properties.

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 report detailing the Acoustic output and noise implications of the plant and machinery at the above development for agreement in writing by the Local Planning Authority including any necessary measures to mitigate noise effects on adjacent residential properties.

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: 18 OCT 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, 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/492/07/PAR

Issuing Authority: North East Lincolnshire Borough Council

Applicant's Name and Address:

Jacksons Stores Ltd
Gibson Lane
Melton
Hull
East Yorkshire
HU14 3HH

Agent's Name and Address:

Sharrock Rymer Building Design Ltd
Gibson Lane
Melton
Hull
East Yorkshire
HU14 3HH

The following decision has been made upon your application received on **26th April 2007** relating to:-

Application Site: 97-99 Littlefield Lane (Jacksons) Grimsby

Proposal: Erect extension to side, alts to front, and re-positioning and installing of air conditioning units in new enclosure

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

If during redevelopment contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. If no contamination is found during the course of the development a written statement confirming this fact must be submitted to the Local Planning Authority upon completion of works.

Reason

To ensure that any previously unconsidered contamination is dealt with appropriately.

4 Condition

Notwithstanding the plans and details submitted, prior to the installation of any plant / machinery, a report detailing the Acoustic output and noise implications of the development shall be submitted to, and agreed in writing with the Local Planning Authority. The machinery/plant shall be operated in accordance with the details of the approved report and any such mitigation that is required shall be retained for the lifetime of the plan/machinery and any replacements that may be installed.

Reason

In order to protect the residential amenities of neighbouring properties.

5 Informative

The applicant is advised to contact the Local Authority Environmental Health section (Telephone Mr Danny Fox on (01472) 324287) in order to compile the Acoustic Report required by condition 4.

6 Informative

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

7 Informative

This decision notice should be read in accordance with drawing no SRDP/07/1055/WD/110 (received 7th June 2007) and SRDP/07/1055/WD/130 (received 8th August 2007) by Sharrock Rymer Building Design Ltd.

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

Signed:

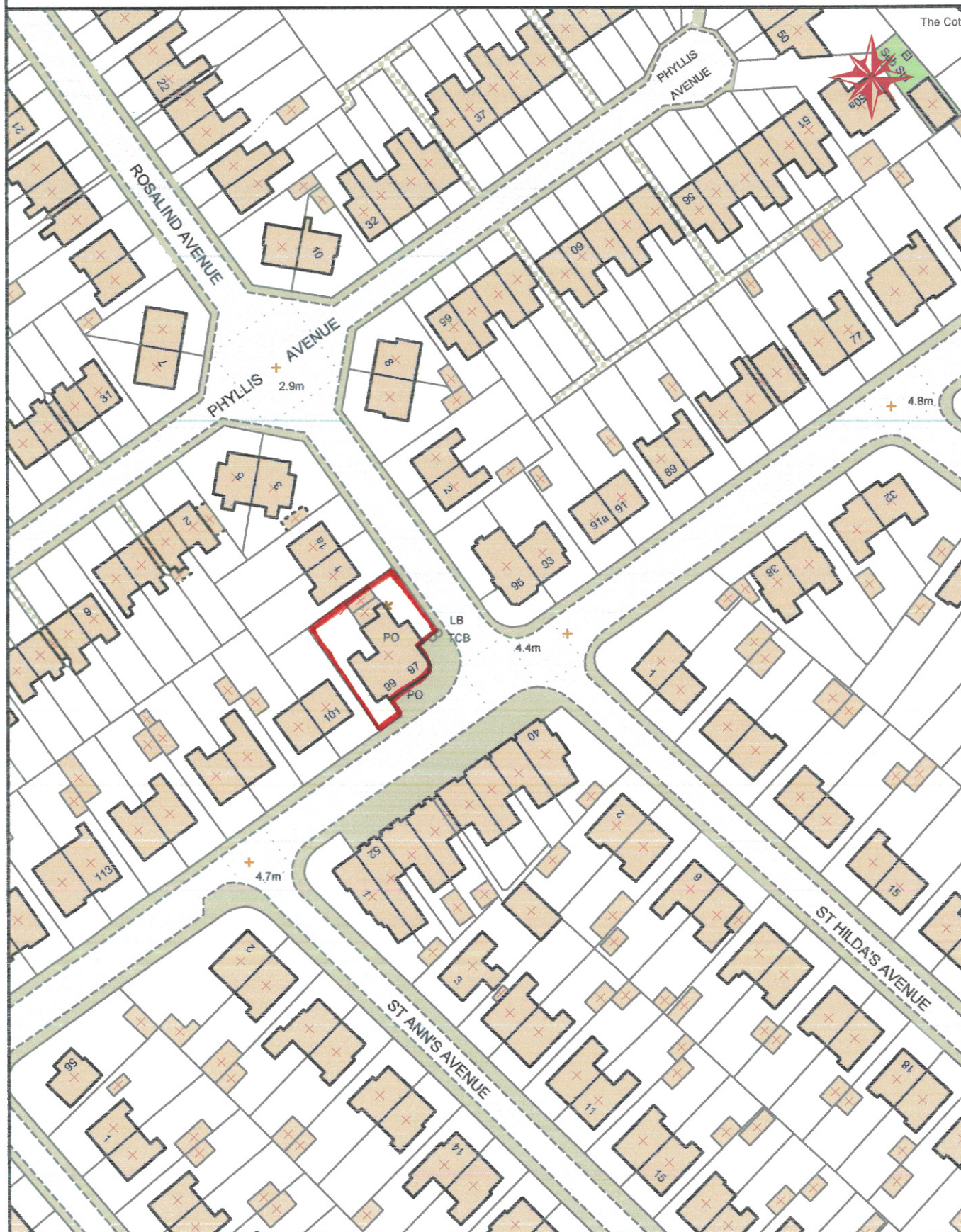


Dated: 22nd August 2007

Derek McKenzie

Official Capacity: Head of Planning Environmental Services

Location Map



Details

Plotting in MapInfo made easier

Drawn by

walkek2

Scale

1:1000

Date

13/10/2011

File Pathname / Project / Drawing No.

Rev
No.

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