

**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/1064/10/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 98 Lambert Road, Grimsby, North East Lincolnshire DN32 0NR (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 18<sup>th</sup> January 2011 as per approved planning application no. DC/1064/10/PAR (attached hereto).

4. **The breach of conditions**

The following condition has not been complied with:-

**Condition 3**

Prior to work commencing details of a 2m high screen wall/fence to the rear boundary with 96 Lambert Road shall be submitted to and agreed in writing by the Local Planning Authority and that approved wall/fence shall be erected before either dwelling is first occupied.

**Reason**

In the interests of residential amenity and security.

#### Condition 6

Prior to the commencement of the development 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.

#### Condition 7

Prior to the accommodation being first occupied bin storage facilities shall be provided to a design, siting and materials specification previously approved in writing by the Local Planning Authority and shall thereafter be so retained

#### Reason

To provide acceptable refuse facilities for the occupants of the accommodation and to ensure satisfactory appearance to the finished development.

#### Condition 8

This development shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (Lincs Design Consultancy, 17 November 2010) and the following mitigation measures detailed within the FRA: \* Finished floor levels set no lower than 3.2m above Ordnance Datum (AOD); \* Demountable defences fitted to all external ground floor doorways to a height of 600mm above finished floor levels. The applicant shall confirm in writing to the Local Planning Authority that this has been done within one month of completion

#### Reason

To reduce the risk of flooding to the proposed development and future occupants

### 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**

Submit details of the 2m high screen wall/fence to the rear boundary with 96 Lambert Road for approval in writing by the Local Planning Authority.

#### **Requirement No. 2**

Submit a scheme of soundproofing to the Local Planning Authority for written approval.

**Requirement No. 3**

Submit details of the design, siting and materials specification of the bin storage facilities to the Local Planning Authority for written approval

**Requirement No. 4**

Confirm in writing to the Local Planning Authority that the development has been carried out in accordance with the approved Flood Risk Assessment, which should include details of the finished floor levels and details of demountable defences.

**Time for Compliance:****Requirement No.1 to 4 inclusive**

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: 20<sup>th</sup> SEPT 2011

On behalf of: North East Lincolnshire Borough Council

**WARNING****There is no right of appeal against the notice**

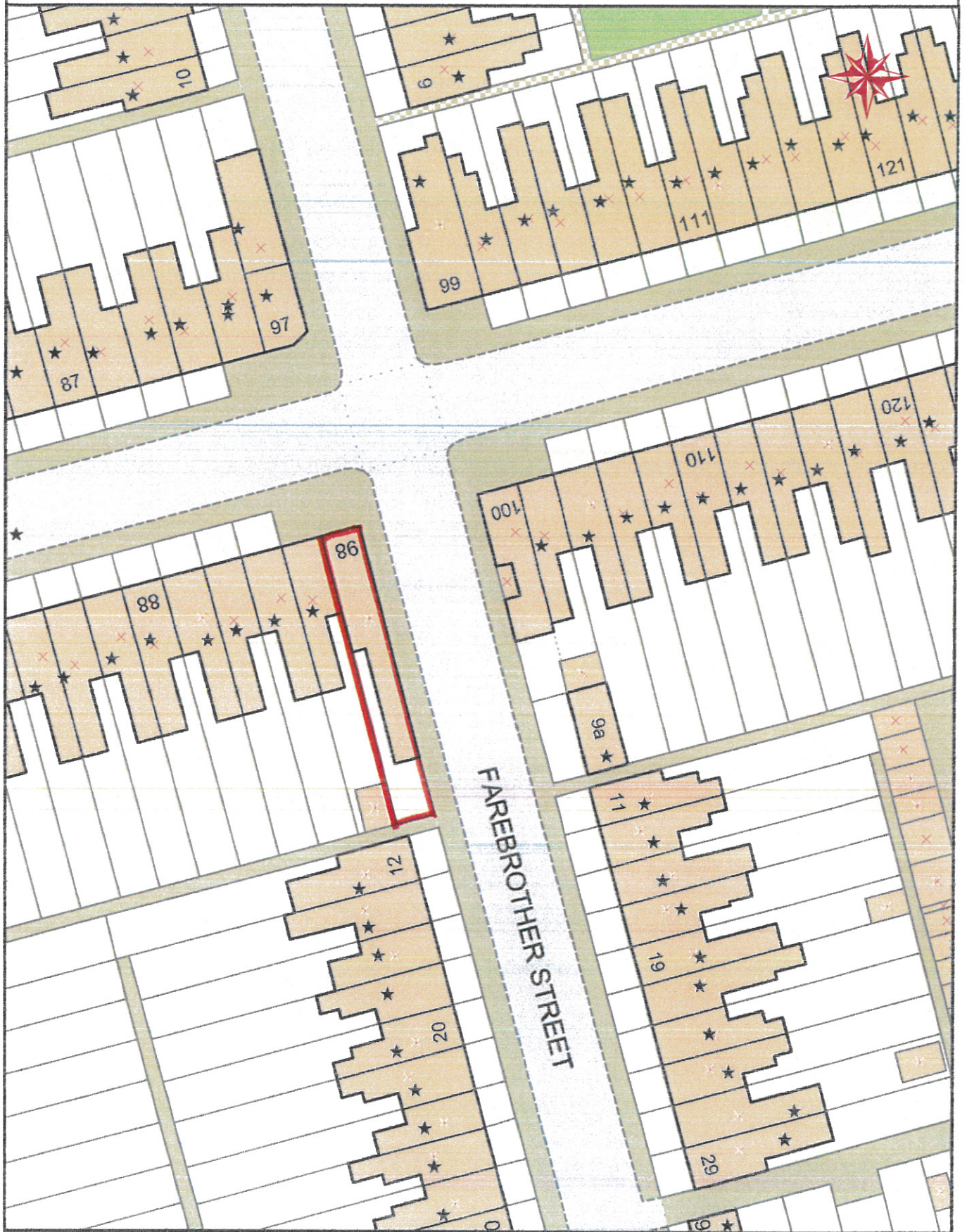
It is an offence to contravene the requirements stated in paragraph 5 of this notice after the end of the compliance period. You will then be at risk of immediate prosecution in the Magistrates' Court, for which the maximum penalty is £1,000 for a first offence and for any subsequent offence. If you 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**



# Location Map



## Details

Plotting in MapInfo made easier

Drawn by

walkek2

Scale

1:1000

Date

16/09/2011

File Pathname / Project / Drawing No.

Rev  
No.

This product includes mapping data licensed from Ordnance Survey  
© Crown Copyright 2009  
Licence number 100020759

Aligned Assets Limited  
Links One, Links Business Centre  
Old Woking Road, Old Woking  
Surrey, GU22 8BF

[www.aligned-assets.co.uk](http://www.aligned-assets.co.uk)

## NOTICE OF DECISION

**Application Number:** DC/1064/10/PAR

**Issuing Authority:** North East Lincolnshire Council

**Applicant's Name and Address:**

Mr Paul Teanby  
c/o Lincs Design Consultancy Ltd  
Fairfield Enterprise Centre  
Lincoln Way  
Louth  
Lincolnshire  
LN11 0LS

**Agent's Name and Address:**

Mr Guy Kemp  
Fairfield Enterprise Centre  
Lincoln Way  
Louth  
Lincolnshire  
LN11 0LS

The following decision has been made upon your application received on **18th November 2010** relating to:-

**Application Site:** 98 Lambert Road Grimsby N E Lincolnshire

**Proposal:** Change of use and alterations of existing shop and dwelling into 2no. dwellings

**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 shall be as specified on the approved plan.

**Reason**

To ensure the proposed development has an acceptable external appearance and is in keeping with the visual amenity and character of the area.

**3 Condition**

Prior to work commencing details of a 2m high screen wall/fence to the rear boundary with 96 Lambert Road shall be submitted to and agreed in writing by the Local Planning Authority and that approved wall/fence shall be erected before either dwelling is first occupied.

**Reason**

In the interests of residential amenity and security.



- 4 Condition  
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (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, G & H shall be permitted within the curtilage of the dwelling(s) hereby permitted.

Reason

To protect residential amenity of surrounding residents and the visual character of the area.

- 5 Condition  
No machinery shall be operated, no process shall be carried out and no deliveries taken in or dispatched from the site in connection with the construction of the development outside the hours of 8.00 am to 6.00 pm Monday to Friday, 8.00 am to 1pm Saturday and not on Sundays or Bank Holidays or any other time, unless first agreed in writing with the Local Planning Authority.

Reason

To protect the amenities of nearby residents.

- 6 Condition  
Prior to the commencement of the development 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.

- 7 Condition  
Prior to the accommodation being first occupied bin storage facilities shall be provided to a design, siting and materials specification previously approved in writing by the Local Planning Authority and shall thereafter be so retained.

Reason

To provide acceptable refuse facilities for the occupants of the accommodation and to ensure satisfactory appearance to the finished development.

- 8 Condition  
This development shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (Lincs Design Consultancy, 17 November 2010) and the following mitigation measures detailed within the FRA:

- \* Finished floor levels set no lower than 3.2m above Ordnance Datum (AOD);
- \* Demountable defences fitted to all external ground floor doorways to a height of 600mm above finished floor levels.

The applicant shall confirm in writing to the Local Planning Authority that this has been done within one month of completion.

Reason

To reduce the risk of flooding to the proposed development and future occupants.

**9 Condition**

The development shall proceed in strict accordance with approved plans including drawing nos. LDC0426-01A, LDC0426-02, LDC0426-03, LDC0426-04a, Flood Risk Assessment & Design and Access Statement.

**Reason**

To avoid confusion and in the proper interests of planning.

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

**Signed:**



**Dated: 18th January 2011**

**Marc Cole**

**Official Capacity: Executive Director of Regeneration**