

**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/405/09/YAR 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 Aldi Stores Ltd, Cambridge Road, Grimsby, North East Lincolnshire DN34 5TB (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 27<sup>th</sup> July 2009 as per approved planning application no. DC/405/09/YAR (attached hereto).

4. **The breach of conditions**

The following condition has not been complied with:-

Condition 6

No deliveries shall take place between 19.30 and 07.30

Reason

In the interest of neighbours residential amenity

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**

Cease all deliveries between 19.30 and 07.30

**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:**

24<sup>th</sup> June 2011

**On behalf of:** North East Lincolnshire Borough Council

**WARNING**

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

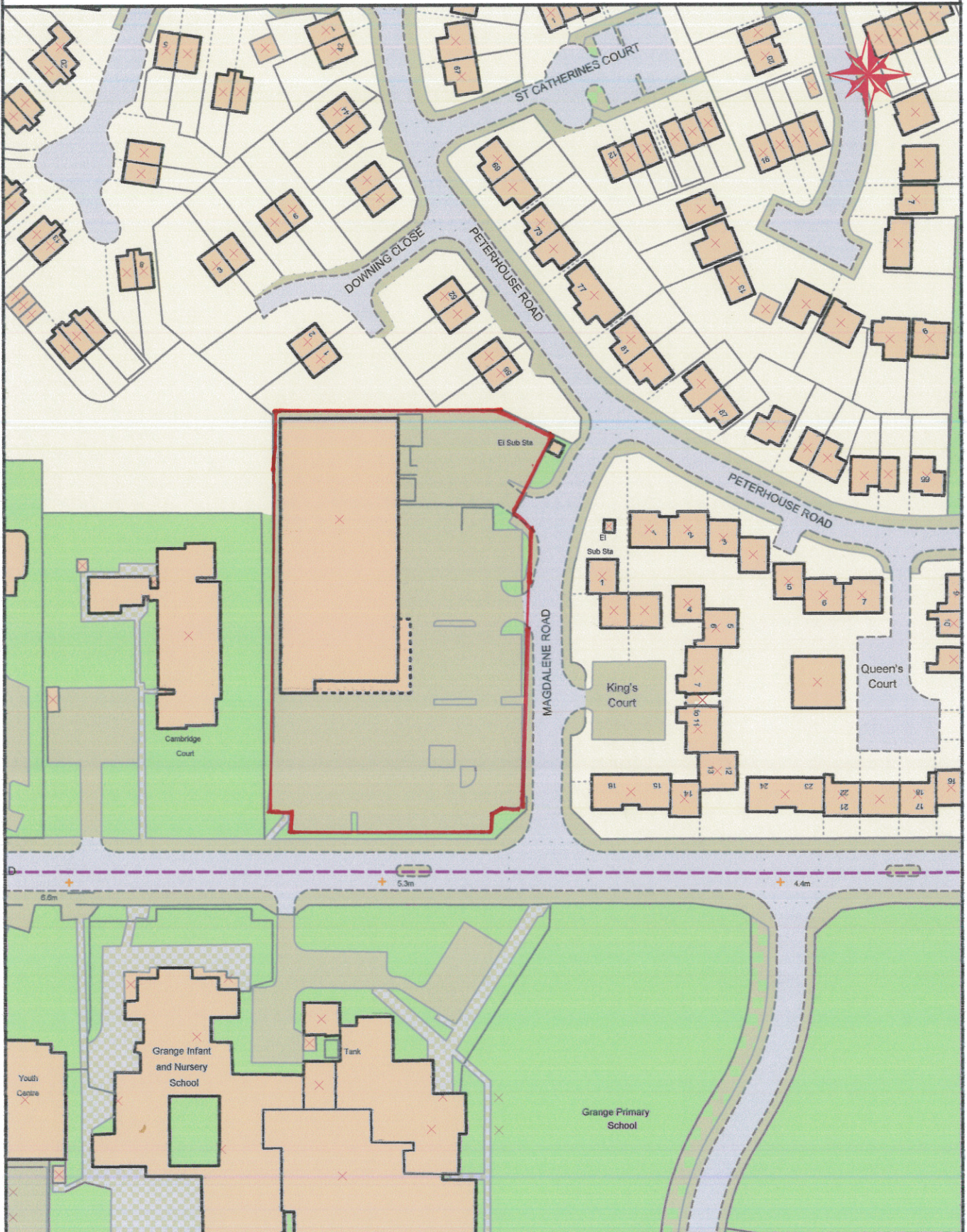
It is an offence to contravene the requirements stated in paragraph 5 of this notice after the end of the compliance period. You will then be at risk of immediate prosecution in the Magistrates' Court, for which the maximum penalty is £1,000 for a first offence and for any subsequent offence. If you 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  
1:1250

Date

24/06/2011

File Pathname / Project / Drawing No.

Rev  
No.

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## NOTICE OF DECISION

**Application Number:** DC/405/09/YAR

**Issuing Authority:** North East Lincolnshire Council

**Applicant's Name and Address:**

Aldi Stores Ltd - Mark Taylor  
Faverdale North  
Facerdale Industrial Estate  
Darlington  
Co Durham  
DL3 0UW

**Agent's Name and Address:**

Planning Potential Ltd  
Claire Temple  
14-15 Regent Parade  
Harrogate  
N Yorks  
HG2 5AW

The following decision has been made upon your application received on **22nd May 2009**

**Application Site:** Magdalene Road (Somerfield Store) Grimsby N E Lincolnshire

**Proposal:** Extension to food store to provide increase to sales floor area and warehouse area, alterations to external appearance of building, reconfiguration of the car park and alterations to existing plant chiller

### 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 approved shall be 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**  
The net retail sales shall be restricted to 1,200 sqm.

Reason  
To ensure that the vitality and viability of the Local Centres are not materially impacted through the extension of the store and to accord with the aims of saved Policy S1 of the North East Lincolnshire Local Plan 2003 and PPS6.

**4 Condition**

Notwithstanding the details submitted prior to any development commencing at the site details of the screen fencing to the recycling facility, including height, external finish and colour shall be submitted to and agreed in writing with the Local Planning Authority. The scheme as approved shall be thereafter maintained.

**Reason**

In the interest of neighbours residential amenity.

**5 Condition**

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA), dated June 2009 and the mitigation measures detailed within the FRA (e.g. finished floor levels shall be set no lower than 4.02m AOD).

The applicant shall confirm completion of the approved scheme, in writing, within one month thereafter.

**Reason**

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

**6 Condition**

No deliveries shall take place between 19.30 and 07.30.

**Reason**

In the interest of neighbours residential amenity.

**7 Condition**

No trees and/or hedges within the application site shall be wilfully damaged, cut-down, up-rooted, pruned, felled or destroyed without the prior written consent of the Local Planning Authority and any trees or hedges existing on the site at the date of application and which have been indicated for retention as part of any scheme approved in writing by the Local Planning Authority, shall, in the event of their subsequent failure to survive, or removed, be replaced within (12 months) of their failure by the planting of such live specimens in such number as may be approved in writing by the Local Planning Authority.

**Reason**

In order to preserve and ensure the continuity of the existing landscape features of the site in the interests of local amenity.

**8 Condition**

The approved landscaping plan shall be carried out within the period of 12 months, beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority, to the satisfaction of the Local Planning Authority. Such tree planting shall be protected to the satisfaction of the Local Planning Authority during all construction works on site. All trees, shrubs and bushes shall be adequately maintained for a period of 5 years or until all construction is complete, whichever is the longer, and during that period all losses shall be replaced during the next planting season to the satisfaction of the Local Planning Authority.

**Reason**

To ensure a satisfactory appearance and setting for the approved development, in the interests of local amenity.

**9 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.

**10 Reason for Approval**

The Council as Local Planning Authority has had regard to the relevant policies of the development plan as set out in the North East Lincolnshire Local Plan 2003 and considers the proposal would not harm the character of the area or neighbours residential amenity. This proposal has been approved in accordance with the North East Lincolnshire Local Plan 2003, particularly saved Policies GEN1, GEN3, S1 and T6.

**11 Informative**

The applicants attention is drawn to the consultation responses received from CE Electric UK dated 1st July 2009 and Humberside Police dated 18th June 2009.

**12 Informative**

This decision relates to drawing numbers:

VL0351 L01 received by the LPA 1st July 2009  
0351-02 Rev B received by the LPA 11th June 2009  
0351-03 Rev B received by the LPA 11th June 2009  
0351-04 Rev C received by the LPA 1st July 2009  
0351-05 Rev B received by the LPA 11th June 2009  
0351-06 Rev B received by the LPA 11th June 2009  
0351-07 received by the LPA 11th June 2009

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

**Signed:**



**Dated: 27th July 2009**

**Marc Cole**

**Official Capacity: Executive Director of Regeneration**