

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 it is considered that condition imposed on the approval of planning permission no. DC/1254/04/HAV, relating to the land described below, has not been complied with. The Council considers that you should be required to secure compliance with the condition specified in this notice.

2. **The land affected by the notice**

The land and premises situated at the site known as Hewitts Circus Service Station, Humberston Road, Cleethorpes, N.E. Lincolnshire, DN35 9QH (edged red on the attached plan)

3. **The relevant planning permission**

The relevant planning permission to which this notice relates is the planning permission approved by the Council on the 19th November 2004 (attached hereto).

4. **The breach of condition**

The following conditions have not been complied with: -

Condition 4

The use of the premises hereby permitted shall not be open to the public outside of the hours specified below:-

Monday to Friday	8.00 am to	9.00 pm
Saturday	8.00 am to	9.00 pm
Sundays, Public and Bank Holidays	10.00am to	6.00 pm

Reason

The use of the premises outside of these hours would be detrimental to the residential amenity of the area by virtue of noise or disturbance.

Condition 5

If any mechanical means of washing vehicles is to be used details of the noise generated and method of operation shall be submitted to and approved by the Local Planning Authority before they are introduced on site.

Reason

In order to protect the amenities of nearby residents.

5. What you are required to do

As the owners of the land and the persons responsible for the breaches 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

Ensure that the premises are not operated outside the hours stated in condition 4 of the above planning approval.

Requirement no.2

Submit details of the noise generated and method of operation of mechanical means of washing vehicles used on the site.

Time for Compliance:

Requirement No. 1

With immediate effect.

Requirement no.2

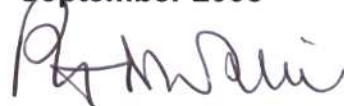
Within 28 days of the date of this Notice taking effect.

6. When this notice takes effect

This notice takes effect immediately it is served on you or you receive it by postal delivery.

Dated: 25th September 2008

Signed:



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 Mr M Mosley, Planning and Transportation Department, Civic Offices, Knoll Street, Cleethorpes. Tel. 01472 324520

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



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