

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/150/12/CRB 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 Land off Highgate (Former Thrunscoe Infants School), Cleethorpes, North East Lincolnshire (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 26th September 2012 as per approved planning application no. DC/150/12/CRB (attached hereto).

4. The breach of conditions

The following conditions have not been complied with:-

Condition 5

No development shall begin until a site specific arboricultural method statement, in accordance with the approved design/layout, has been prepared by a competent person who is familiar with the BS 5837: 2012 Trees in Relation to Construction. This will provide comprehensive details of construction works in relation to trees and shall be submitted to and approved in writing by the Local Planning Authority prior to demolition/development. All works shall be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:

- a) A specification and phasing for the installation of tree protection measures which complies with BS 5837:2005.
- b) Pre-development tree work - What is required to establish acceptable

levels of risk and management in the context of the proposed land use - a schedule of tree works, including trees/hedges to be removed and all the retained trees/hedges specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 2010, Recommendations for tree work.

- c) Plans and particulars showing the siting of the service and piping infrastructure.
- d) Details of general arboricultural matters such as the area for storage of materials/machinery, concrete mixing and use of fires.
- e) Details of all activities which have implications for trees on or adjacent to the site.

Reason

So that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during construction works and to ensure the work is in accordance with current best practice.

Condition 9

No activities shall take place within the crown spread or root protection area (whichever is greater) of any trees, shrubs or hedges on or adjacent to the site, including:-

- a) No equipment, signage, fencing, tree protection barriers, materials, components, vehicles or structures shall be attached to or supported by a retained tree/hedge;
- b) No mixing of cement or use of other toxic materials or substances;
- c) No storage of materials, equipment, machinery or any other form of construction activity;
- d) No fires shall be lit within 10 metres of the nearest point of the canopy of any retained trees/hedges;
- e) No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

Reason

To avoid damage to existing trees, shrubs or hedges and to accord with saved Policies GEN1 and GEN3 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

Erect the approved tree protection fencing in accordance with approved plan 22.300.12 Revision A and Appendix A of the Approved Arboricultural Assessment report dated January 2013 (appendix A attached) in the locations indicated on the attached (Plan A) and highlighted in green.

Requirement No. 2

Retain the tree protection measures (as indicated in requirement 1) for the duration of the construction phase of the development or until formal approval for its removal, part removal or temporary removal is agreed in writing by the Local Planning Authority.

Requirement No. 3

Remove all equipment, materials components, vehicles, structures, debris and construction activities from within the tree protection areas (as indicated in requirement 1)

Requirement No. 4

Submit a report to be agreed in writing with the Local Planning Authority outlining the measures and timescales for the amelioration of the adverse soil compaction which has taken place as a result of the removal of protective fencing to the protected trees as indicated on Plan B and highlighted in yellow.

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:

A handwritten signature in black ink, appearing to be 'John' or similar, written over a horizontal line.

Dated:

10TH FEB 2014

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/150/12/CRB

Issuing Authority: North East Lincolnshire Council

Applicant's Name and Address:

Snap Properties Ltd
Mr Kevin Snape
Thornlea Main Road
Ashby Cum Fenby
Grimsby
North East Lincolnshire
DN37 0QW

Agent's Name and Address:

Palmleaf Design Ltd
Mr Richard Likupe
10 Tinley Close
Queen Drive
Cottingham
East Riding of Yorkshire
HU16 4EN

The following decision has been made upon your application received on **1st March 2012**

Application Site: Land off Highgate (Former Thrunscoe Infants School) Cleethorpes
North East Lincolnshire

Proposal: Demolition of existing buildings on site and erection of residential development to include 34 dwellings, sheds, parking, new accesses, play areas and associated works

Granted subject to the following conditions:-

1 Condition

The development hereby permitted shall commence within three years from the date of this permission.

Reason

To comply with Section 91 of the Town and Country Planning Act 1990.

2 Condition

Notwithstanding the details submitted, details of all materials to be used in construction of the buildings/stores shall be submitted to and approved in writing by the Local Planning Authority before construction of the development commences.

Reason

To ensure the development has an acceptable external appearance, is in keeping with the visual amenity and character of the area and accords with saved Policy GEN1 of the Local Plan.

3 Condition

No development shall commence until a scheme of surface water drainage including a strategy to deal with surface water has been submitted to and approved in writing by the Local

Planning Authority. Such a scheme shall be implemented in accordance with the approved details before construction of the proposed dwellings begins.

Reason

To prevent an increased risk of flooding and to prevent environmental and amenity problems in accordance with saved Policy GEN1 of the North East Lincolnshire Local Plan.

4 Condition

No development shall begin until a scheme for protecting retained trees has been agreed in writing with the Local Planning Authority. This scheme shall include:

a) a plan to a scale of not less than 1/500 clearly showing the position, crown spread and Root Protection Area of every retained tree on site and on neighbouring land in relation to the approved plans and particulars. The positions of all trees to be removed shall also be indicated on this plan.

b) the details and positions of the Tree Protection Barriers on a scale plan of not less than 1/500 and identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping).

Reason

So that the Local Planning Authority may be satisfied retained trees will not be damaged during construction work and to ensure the work is in accordance with current best practice.

5 Condition

No development shall begin until a site specific arboricultural method statement, in accordance with the approved design/layout, has been prepared by a competent person who is familiar with the BS 5837: 2012 Trees in Relation to Construction. This will provide comprehensive details of construction works in relation to trees and shall be submitted to and approved in writing by the Local Planning Authority prior to demolition/development. All works shall be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:

A) A specification and phasing for the installation of tree protection measures which complies with BS 5837:2005.

B) Pre-development tree work – What is required to establish acceptable levels of risk and management in the context of the proposed land use - a schedule of tree works, including trees/hedges to be removed and all the retained trees/hedges specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 2010, Recommendations for tree work.

C) Plans and particulars showing the siting of the service and piping infrastructure.

D) Details of general arboricultural matters such as the area for storage of materials/machinery, concrete mixing and use of fires.

E) Details of all activities which have implications for trees on or adjacent to the site.

Reason

So that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during construction works and to ensure the work is in accordance with current best practice.

6 Condition

Before any demolition, construction works or soil stripping begins, or any materials or machinery are brought onto the site, the Local Planning Authority shall be informed of when the approved tree protection measures have been put in place. Works on site shall only commence when the Local Planning Authority has agreed in writing that those protection measures are in accordance with approved plans.

Reason

To ensure tree protection measures are positioned in accordance with the agreed plans, are erected to the agreed specification and to accord with saved Policies GEN1 and GEN2 of the North East Lincolnshire Local Plan.

7 Condition

No development shall begin until a scheme of supervision for the arboricultural protection measures has been approved in writing by the Local Planning Authority. This scheme will be appropriate to the scale and duration of the works and should include:

- A) Induction and personal awareness of arboricultural matters to all those involved in the development of the site, inclusive of sub-contractors
- B) Identification of individual responsibilities and key personnel.
- C) Statement of delegated powers.
- D) Procedures for variations and incidents

Reason

To ensure all parties involved in the development are familiar with arboricultural matters/constraints and procedures and to accord with saved Policies GEN1 and GEN3 of the North East Lincolnshire Local Plan.

8 Condition

No development shall begin until a scheme of landscaping showing precise details of the number, species, sizes and planting positions of all trees and shrubs to be planted has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure a satisfactory appearance and setting for the development, the protection of existing features in the interests of local amenity and to accord with saved Policies GEN1 and GEN3 of the North East Lincolnshire Local Plan.

9 Condition

No activities shall take place within the crown spread or root protection area (whichever is greater) of any trees, shrubs or hedges on or adjacent to the site, including:-

- (a) No equipment, signage, fencing, tree protection barriers, materials, components, vehicles or structures shall be attached to or supported by a retained tree/hedge;
- (b) No mixing of cement or use of other toxic materials or substances;
- (c) No storage of materials, equipment, machinery or any other form of construction activity;
- (d) No fires shall be lit within 10 metres of the nearest point of the canopy of any retained trees/hedges;
- (e) No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

Reason

To avoid damage to existing trees, shrubs or hedges and to accord with saved Policies GEN1 and GEN3 of the North East Lincolnshire Local Plan.

10 Condition

No machinery shall be operated, no process shall be carried out and no deliveries to be taken in or dispatched from the site in connection with the construction of the development hereby approved 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 agreed in writing with the Local Planning Authority.

Reason

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

11 Condition

Prior to the commencement of demolition works on site a method statement outlining:

- the method of demolition

- measures to identify and remove asbestos if present

- measures to prevent nuisance from dust and noise to surrounding occupiers

shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be carried out in its entirety to the satisfaction of the local Planning Authority.

Reason

In the interests of residential amenity and the prevention of pollution.

12 Condition

A scheme of screen walls and fences shall be submitted to and approved in writing by the Local Planning Authority before development commences and the approved scheme shall be implemented to the satisfaction of the Local Planning Authority before any dwelling is occupied and shall thereafter be so retained.

Reason

To ensure a satisfactory appearance for the development, to safeguard residential amenity and accord with Policy GEN1 of the North east Lincolnshire Local Plan.

13 Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any statutory amendment thereto), no development under Schedule 2 Part 1, Class A, B, C, D, E, F shall be permitted within the curtilage of the dwelling(s).

Reason

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

14 Condition

Development shall not begin until details of the drainage, construction, services and lighting of the proposed access road, including the junction with Highgate have been approved by the Local Planning Authority.

Reason

To ensure that the proposed access roads are made up as soon as possible and in the interests of public safety.

15 Condition

Development shall not begin until the following details have been approved by the Local

Planning Authority.

(l) Detailed plans to a scale of at least 1/500 showing:-

(a) the proposed layout of the carriageways and footways on the development;

(b) the wearing course materials proposed for the carriageways and footways;

(c) cross sections;

(d) the highway drainage system;

(e) the proposed locations of street lighting columns, all services and ducts for services, within the carriageways and footways;

(f) the number, location and layout of the vehicle garaging and/or parking facilities within the site to serve the proposed residential development.

(g) management arrangements for any carriageways, footways and/or landscaped areas not to be adopted by the local authority.

Reason

To ensure that the proposed access roads are made up as soon as possible and in the interests of public safety and to accord with saved Policy GEN1 of the Local Plan.

16 Condition

No dwelling shall be occupied until the access road has been constructed to at least base course level and adequately lit from the connection with Highgate up to the access to the dwelling, to the satisfaction of the Local Planning Authority.

Reason

To ensure access roads are made up as soon as possible and in the interests of public safety.

17 Condition

No dwelling shall be occupied until the vehicular access to it and the vehicle parking serving it have been constructed to the satisfaction of the Local Planning Authority. That vehicle parking shall thereafter be so retained.

Reason

To ensure that the existing highway is maintained in a safe manner in the interests of residential amenity.

18 Condition

No works shall commence on the penultimate dwelling until the residential access roads have been completed to the satisfaction of the Local Planning Authority.

Reason

To ensure the proposed access roads are made up as soon as possible and in the interests of public safety.

19 Condition

Before development commences, wheel cleaning facilities shall be first provided to a standard and in a position in accordance with a scheme approved in writing by the Local Planning Authority. Those facilities shall be retained whilst construction works are taking place and used to the satisfaction of the Local Planning Authority.

Reason

In the interests of road safety.

20 Condition

Within the areas of land required for the visibility splays nothing shall at any time be erected, retained or allowed to grow over 1.05 metres in height above the carriageway level of the adjoining highway.

Reason

In the interests of road safety and to accord with saved Policy GEN1 of the Local Plan.

21 Condition

Before development commences, the site shall be subject to the following:

1a) A desk top study to include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information that is needed to develop a "Conceptual Model" for the site.

b) Using the information obtained from the desk top study and Conceptual Model, design and undertake a site investigation. Such investigation should be sufficient to allow:

i) a risk assessment to be undertaken relating to the receptors associated with the new use, those uses that will be retained (if any) and other receptors on and off the site that may be affected

ii) refinement of the conceptual model

iii) development of a reclamation method statement

c) The Method Statement shall be submitted to and approved by the Local Planning Authority.

d) The works detailed in the approved Method Statement shall be completed in accordance with the statement.

e) If, during development, contamination not previously considered is identified, an additional Method Statement shall be submitted to the Local Planning Authority for written approval.

f) A closure report shall be submitted to the Local Planning Authority that provides verification of the required works being completed in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report to demonstrate the required remediation has been fully met.

Reason

To ensure the site is safe for development in the interests of public safety and the prevention of pollution.

22 Condition

If, during development, contamination not previously considered is identified, the Local Planning Authority shall be notified immediately and no further work 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 development, a written statement confirming it must be submitted to the Local Planning Authority upon completion of works.

Reason

To ensure any previously unconsidered contamination is dealt with appropriately.

23 Condition

Before development commences, details of dust and noise suppression techniques to be used during construction are to be submitted to and agreed with the Local Planning Authority.

Reason

To ensure dust and noise emissions are within acceptable limits and in the interests of

amenity.

24 Condition

No dwelling shall be occupied until nesting and bat boxes have been provided in such locations as may be agreed in writing by the Local Planning Authority. Such boxes shall thereafter be so retained in situ unless any variation is agreed in writing by the Local Planning Authority.

Reason

To ensure appropriate provision is made for bats and birds within the development.

25 Condition

The development shall be carried out in accordance with these plans:

Proposed Layout (03.300.12 Rev D, Received 31st August 2012), Tree Report (8th May 2012), Method Statement (8th May 2012), Protected Species Survey (27th June 2012), Drainage Calculations (27th June 2012), Bike Shed (18.300.12, Received 23rd May 2012), Site Location Plan (01.300.12 Rev A, Received 8th May 2012), Asbestos Report (8th May 2012), Type 3 Plan and Elevations (08.300.12 Rev A, Received 8th May 2012), Type 5 Elevations (11.300.12 Rev C, Received 19th September), Type 5 Plan (10.300.12 Rev C, Received 19th September), Type 6 Elevations (13.300.12 Rev C, Received 23rd May 2012), Type 6 Plan (12.300.12 Rev C, Received 23rd May 2012), Recycling Bins (dated 6th June 2012), Topographical Survey (10th May 2012), Drainage Plan (E12/5661/001, Received 31st August 2012), Design and Access Statement (Rev C, Received 31st August 2012), Proposed Site Plan (16.300.12 Rev B, Received 31st August 2012), Street Scene (14.300.12 Rev B, Received 28th August 2012), Type 1A Elevations (05.300.12 Rev A, Received 28th August 2012), Type 1A Plan (04.300.12 Rev A, Received 28th August 2012), Type 1B Plan (16.300.12 Rev A, Received 28th August 2012), Type 1B Elevations (17.300.12 Rev A, Received 28th August 2012), Type 1C Plan (18.300.12 Rev A, Received 28th August 2012), Type 1C Elevations (19.300.12 Rev A, Received 28th August 2012), Type 2A Plan (14.300.12, Received 28th August 2012), Type 2A Elevations (15.300.12, Received 28th August 2012), Type 2B Plan (06.300.12, Received 28th August 2012), Type 2B Elevations (07.300.12, Received 28th August 2012), Type 4 Elevations (09.300.12 Rev C, Received 20th September 2012), Type 4 Plan (08.300.12 Rev C, Received 20th September 2012).

Reason

For the avoidance of doubt and in the interests of proper planning.

26 Informative

If there is a watercourse on or adjacent to the site, please note it is an offence to fill drainage pipes or culvert any ditch, dyke, stream or watercourse without first submitting plans and sections to the Council for approval. It is essential that this information is submitted well in advance of intended work.

Even if direct works to drainage pipes, culverts, ditches, dykes, streams or watercourses are not contemplated, the Council is empowered to require such culverting to be carried out in the case of a watercourse on land (or abutting land) being set out for building. This requirement may be enforced even if you do not own the ditch. Notices requiring such culverting have costs attached so the correct course of action should be established promptly.

27 Informative

Owners of land adjoining the site to be developed may have natural rights of drainage onto or across the site. Neither the proposed development, nor temporary works required during construction, should prejudice this natural right of drainage. If land levels on any part of the

site are to be raised, or if walls or fences are to be erected which might disrupt drainage paths, the developer must provide suitably designed cut-off drains to intercept and divert both the surface and sub-surface drainage flows. Details of the proposals must be submitted to and approved by the Council before site works begin.

28 Informative

As works are required within the existing highway in order to enable the development to take place, please contact the Highways Management Section of the Environment, Economy and Housing Directorate at least three months in advance of the commencement of works (Tel: 01472 324431).

29 Informative

If the highways within the site are to be adopted by the Council, in accordance with Section 38, Highways Act 1980, please contact the Highways Management Section of the Environment, Economy and Housing Directorate six months in advance of the commencement of works (Tel: 01472 324505).

30 Informative

You must serve notice under Section 106 of the Water Industry Act 1991 if you wish to connect to the Anglian Water sewerage network.

31 Informative

Existing ground levels should not be raised or surface water run-off problems may result. There must be no surface water run off from the site, discharged onto the public highway or any highway proposed to be adopted. A SuDS or storage system with attenuated discharge to the sewer needs to be proposed so that surface water run-off to the sewer system is 70% of the run-off rate for this site. A drain at the rear of the site should be investigated and a maintenance strategy compiled.

32 Reason for Approval

The proposal would utilise disused land and contribute to local housing needs. It has been approved in accordance with the North East Lincolnshire Local Plan and particularly saved Policies GEN1, GEN3, H2, T6, T7, LTC4, NH3, NH4, NH5 and MW11.

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

Signed:

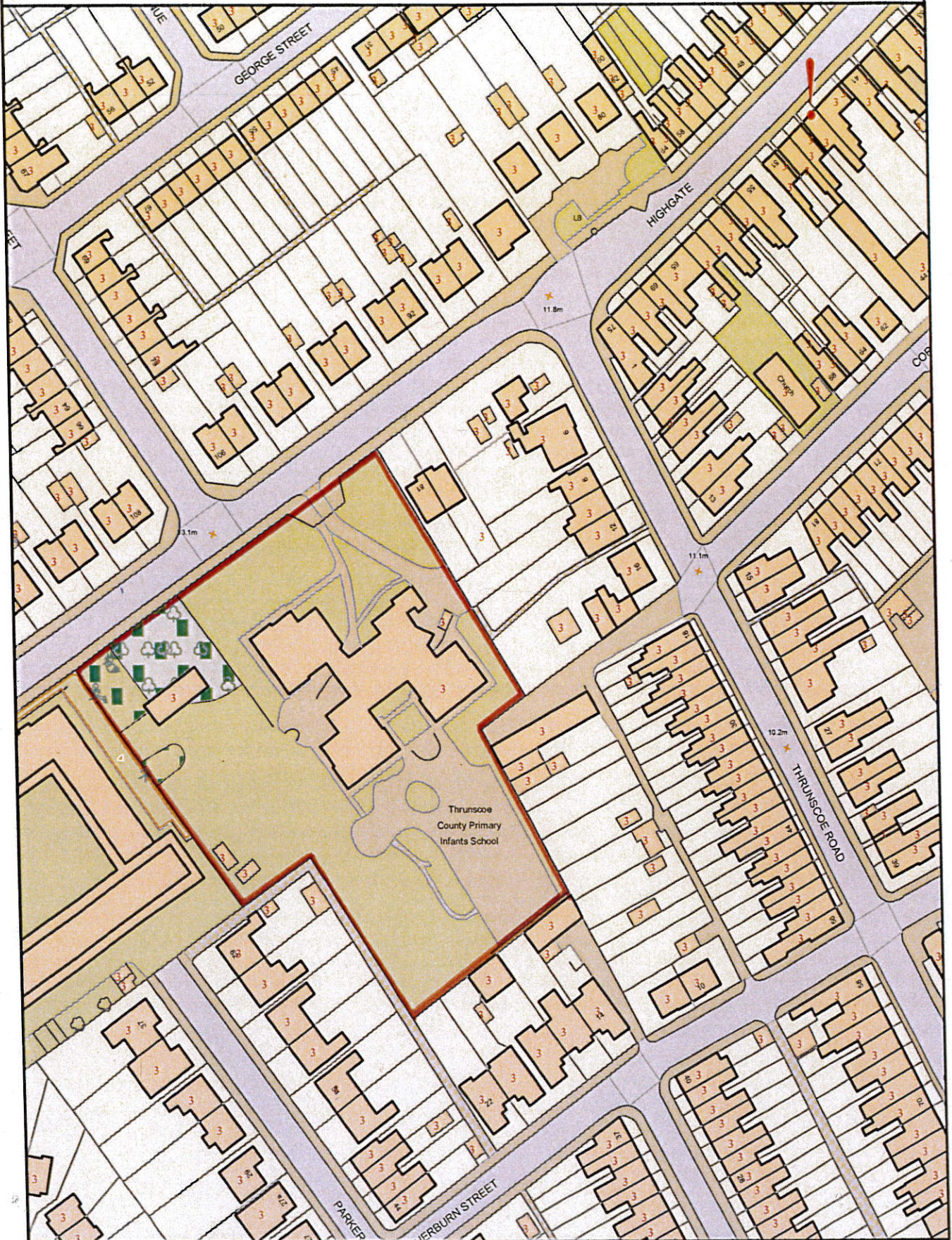


Dated: 26th September 2012

Marc Cole

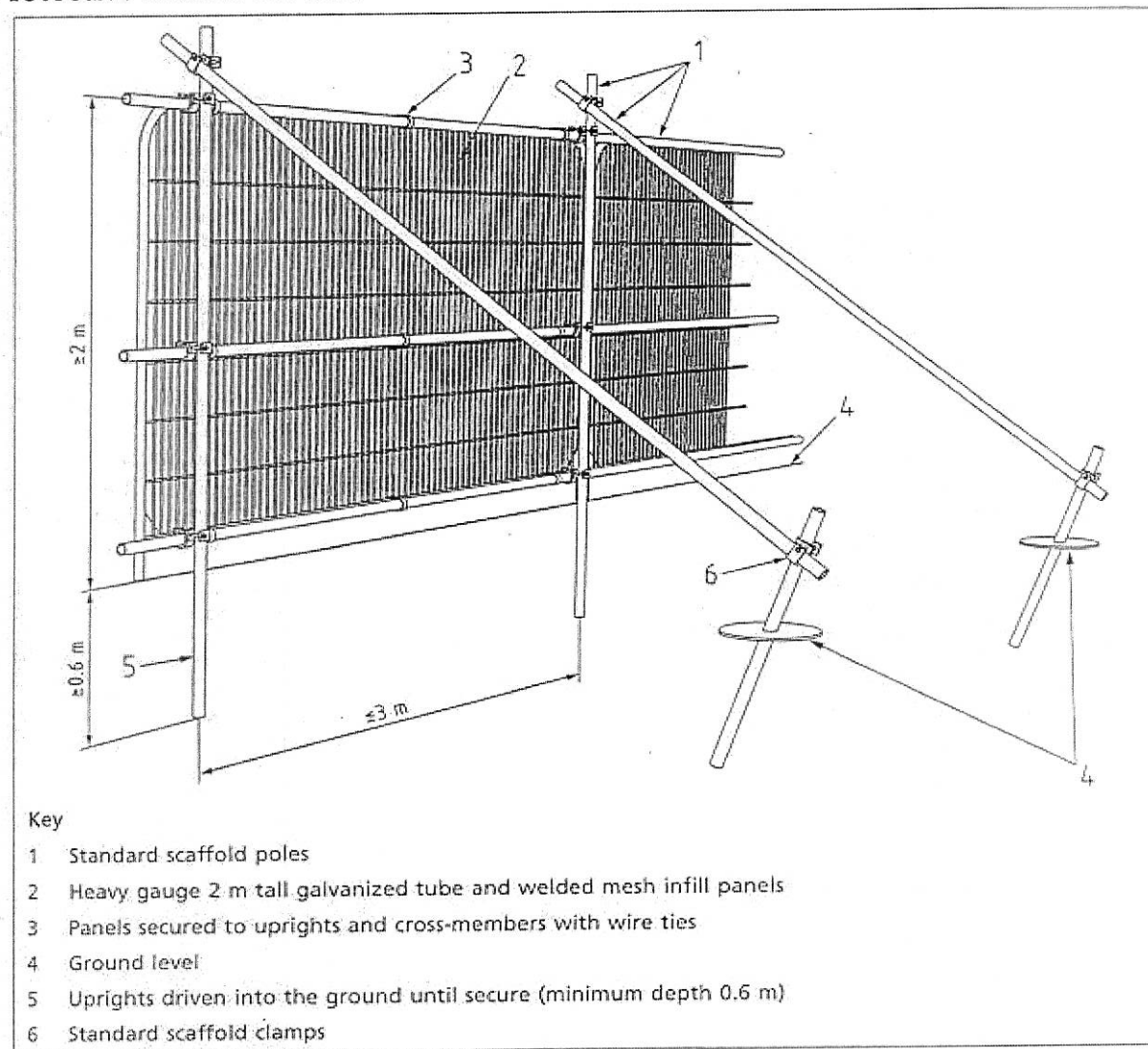
Official Capacity: Executive Director of Regeneration

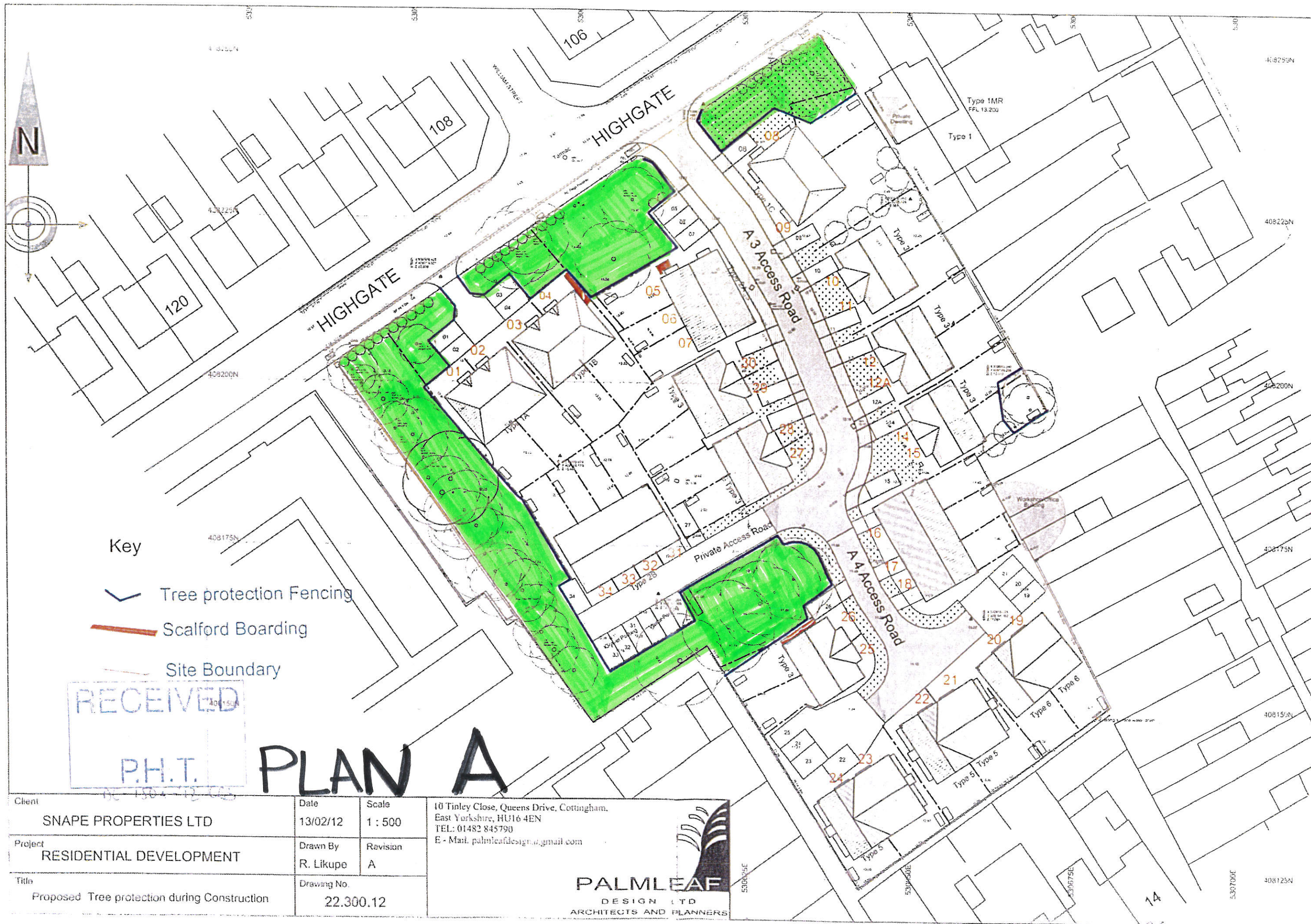
Location Map



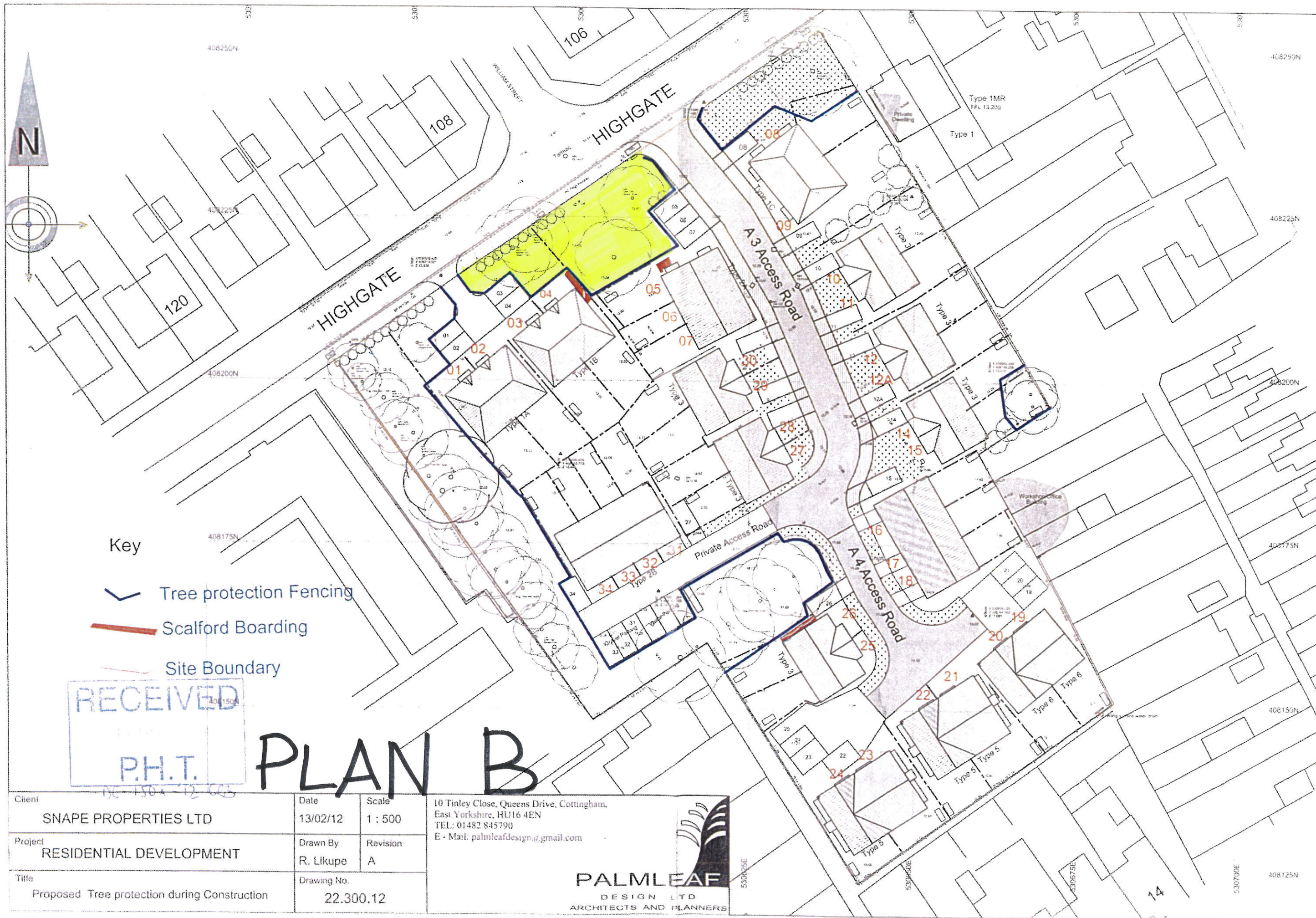
Details Plotting in MapInfo made easier			Rev No. 1		This product includes mapping data licensed from Ordnance Survey ©Crown Copyright 2009. Licence number 100020759	
Drawn by walkek2	Scale 1:1250	Date 05/08/2013			Aligned Assets Limited Links One, Links Business Centre Old Woking Road, Old Woking Surrey, GU22 8BF	www.aligned-assets.co.uk
File Pathname / Project / Drawing No.						

Appendix A –Tree Protective Barrier BS 5837





PLAN A



PLAN B

Client	SNape PROPERTIES LTD	Date	13/02/12	Scale	1 : 500
Project	RESIDENTIAL DEVELOPMENT	Drawn By	R. Likupe	Revision	A
Title	Proposed Tree protection during Construction	Drawing No.	22.300.12		

10 Tinley Close, Queens Drive, Cottingham,
East Yorkshire, HU16 4EN
TEL: 01482 845790
E-Mail: palmleafdesign@gmail.com

