

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/575/10/WAB 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 Waltham Airfield, Cheapside, Waltham, North East Lincolnshire DN37 OHZ (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 11th May 2011 as per approved planning application no. DC/575/10/WAB (attached hereto).

4. **The breach of condition**

The following condition has not been complied with:-

Condition 1

The use hereby approved shall be for a temporary period of nine months only expiring on 11th February 2012 and the land shall thereafter be restored to its previous condition.

Reason

Permanent use of the land for storage of demolition material would be contrary to Policy GEN2 and Policy E16 of the North East Lincolnshire Local Plan 2003, as well as detrimental to the amenities of local residents and to the interests of road safety.

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

Remove all stored material from the site and restore the land to its previous condition.

Time for Compliance:

Requirement No.1

60 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: 7th MARCH 2012

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

NOTICE OF DECISION

Application Number: DC/575/10/WAB

Issuing Authority: North East Lincolnshire Council

Applicant's Name and Address:

CLS Demolition
Mr Charles Salmon
Atherton Way
Brigg
N Lincolnshire
DN20 8AR

The following decision has been made upon your application received on **30th June 2010**

Application Site: Cheapside (The Airfield) Waltham Grimsby

Proposal: Change of use of land from disused airfield to storage of clean inert demolition material for a temporary period of 9 months

Granted subject to:-

- 1 Condition
The use hereby approved shall be for a temporary period of nine months only expiring on 11th February 2012 and the land shall thereafter be restored to its previous condition.

Reason

Permanent use of the land for storage of demolition material would be contrary to Policy GEN2 and Policy E16 of the North East Lincolnshire Local Plan 2003, as well as detrimental to the amenities of local residents and to the interests of road safety.

- 2 Condition
Prior to any further removal of material from the site, a method statement setting out measures to prevent nuisance from dust to site operatives or surrounding properties shall be submitted in writing to the Local Planning Authority for approval. The approved scheme shall be implemented in full and shall be retained during the storage and removal of material from the site.

Reason

To protect operatives and local businesses and residents from dust pollution and in accordance with Policy GEN2 of the North East Lincolnshire Local Plan 2003.

- 3 Condition
All lorries used to remove material from the site shall be covered to reduce dust pollution in transit, unless otherwise agreed in writing with the Local Planning Authority.

Reason

To protect surrounding occupiers from dust pollution and in accordance with Policy GEN2 of the North East Lincolnshire Local Plan.

4 Condition

This permission allows temporary storage of the existing inert demolition material only and no crushing or other processing of material shall be carried out on site and no further material shall be brought onto the site.

Reason

The site is close to residential occupiers and to other business users and the crushing and processing of material and the deposit of further material may cause a detriment to their amenities, as well as contrary to Policy GEN2 of the North East Lincolnshire Local Plan 2003.

5 Condition

The site shall operate only between the hours of 08.00 – 18.00 Monday to Friday and 08.00 - 13.00 Saturdays and at no time on Sundays or Bank Holidays.

Reason

To protect nearby residential occupiers and in accordance with Policy GEN2 of the North East Lincolnshire Local Plan 2003.

6 Condition

Prior to any further removal of material from the site, a scheme shall be submitted to the Local Planning Authority for the display of temporary signage to warn users of the Public Right of Way that the access will be used by heavy vehicles and also the display of signage to warn drivers of the existence of the Public Right Of Way and to drive with caution.

Reason

To protect the users of the Public Right of Way in the interests of safety and in accordance with Policy GEN2 of the North East Lincolnshire local Plan 2003.

7 Condition

The development shall be carried out strictly in accordance with the above conditions and with the approved plans CLS/D450/002 Rev B and CLS/D450/001 Rev D and Design and Access Statement received 14th February 2011.

Reason

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

8 Reason for approval

The development has been approved on a temporary basis only given the land use allocation and Policies in the North East Lincolnshire Local Plan 2003, particularly Policies GEN2, E16, MW7, MW8 and MW10. To allow a permanent permission in this location is contrary to local and national planning policy and detrimental to local residents, as well as detrimental to road safety.

9 Informative

The applicant is advised to contact the Environment Agency on 01522-785341 to determine

whether an Environmental Permit is required for the storage of material.

10 Informative

This permission is granted for a 9 month period only and it is very unlikely any extension of time will be granted, given the inadequate sight lines at the junction with Cheapside and given the impact of the development on the public footpath and amenities of local businesses and residents.

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

Signed:



Dated: 11th May 2011

Marc Cole

Official Capacity: Executive Director of Regeneration

Location Map



Details

Plotting in MapInfo made easier

Drawn by

walkek2

Scale

1:4000

Date

06/03/2012

File Pathname / Project / Drawing No.

Rev
No.

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