

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/164/12/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 Willow Lakes (Ashby Hill Top Farm), Barton Street, Ashby Cum Fenby, North East Lincolnshire DN37 0RU (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 4th May 2012 as per approved planning application no. DC/164/12/WAB (attached hereto).

4. **The breach of conditions**

The following conditions have not been complied with:-

Condition 4

The existing vehicular access shall be closed and permanently sealed to the satisfaction of the Local Planning Authority within 28 days of the new access being brought into use.

Reason

In the interests of road safety in accordance with Policy GEN2 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

Close and permanently seal the existing access (as highlighted yellow on the attached plan) to the satisfaction of the Local Planning Authority.

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:

14th 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/164/12/WAB

Issuing Authority: North East Lincolnshire Council

Applicant's Name and Address:

Mr John Collis
C/O Unit 12, Cleethorpes Bus Centre
Jackson Place
Wilton Road Industrial Estate
Humberston, Grimsby
North East Lincolnshire
DN36 4AS

Agent's Name and Address:

Dieter Nelson Planning Consultant
Unit 12, Cleethorpes Business Centre
Jackson Place
Wilton Road Industrial Estate
Humberston, Grimsby
North East Lincolnshire
DN36 4AS

The following decision has been made upon your application received on **5th March 2012** relating to:-

Application Site: Barton Street (Ashby Hill Top Farm) Ashby cum Fenby Grimsby

Proposal: Variation of condition 19 attached to DC/535/10/WAB to alter the vehicular access roadways and additional landscaping and planting

Granted subject to:-

1 Condition

The premises shall not be open for trading outside the following hours:-
8.00am to 6.00pm

Reason

Using the premises outside these hours would be detrimental to the residential amenity of the area by virtue of noise or disturbance in accordance with Policy GEN2 of the North East Lincolnshire Local Plan.

2 Condition

Notwithstanding the details hereby approved, no development shall take place pursuant to this permission until a planning agreement has been submitted to and executed by the Local Planning Authority in a form binding all of the land the subject of this permission which secures the within highway works and the new access to the site which requires the widening of Barton Street opposite the entrance to the development and the introduction of a 50mph speed limit, to be introduced, laid out and completed to the satisfaction of the Local Planning Authority in accordance with engineering details to be submitted and approved by the Local Planning Authority prior to any other works commencing on site.

Reason

In the interests of highway safety in accordance with Policy GEN2 of the North East Lincolnshire Local Plan.

3 Condition

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

Reason

In the interests of road safety and in accordance with Policy GEN2 of the North East Lincolnshire Local Plan.

4 Condition

The existing vehicular access shall be closed and permanently sealed to the satisfaction of the Local Planning Authority within 28 days of the new access being brought into use.

Reason

In the interests of road safety in accordance with Policy GEN2 of the North East Lincolnshire Local Plan.

5 Condition

The development shall not be brought into use until the car parking, loading, unloading and manoeuvring areas are completed to the satisfaction of the Local Planning Authority.

Reason

To ensure adequate parking and turning facilities are provided within the site for highway safety reasons in accordance with Policy GEN2 of the North East Lincolnshire Local Plan.

6 Condition

The wheel cleaning facilities approved under application DC/535A10/WAB shall be used at all times during construction works on site.

Reason

In the interests of highway safety in accordance with Policy GEN2 of the North East Lincolnshire Local Plan.

7 Condition

Before the development is brought into use a minimum 2 No. of the car parking spaces shall be laid out to the required standard for use by persons with ambulant disabilities and their vehicles, in such positions as may be agreed in writing by the Local Planning Authority and shall thereafter be so retained.

Reason

To ensure provision of facilities for use by disabled people in accordance with Policy H7 of the North East Lincolnshire Local Plan.

8 Condition

The cycle parking facilities approved under application DC/535A10/WAB ref R26 as received on 18th March 2011 shall be provided prior to the occupation of the development hereby approved and shall thereafter be so retained.

Reason

To ensure provision of facilities for cyclists as part of the development in accordance with Policy GEN2 of the North East Lincolnshire Local Plan.

9 Condition

The details of the foul water treatment plant submitted as part of application DC/535A/10/WAB are acceptable but details of the discharge into the adjacent watercourse shall be submitted to and approved by the Local Planning Authority in writing together with a scheme of surface water drainage for the development hereby approved. The scheme shall show the surface water discharge attenuated to greenfield rates. Such an approved scheme shall be implemented to the satisfaction of the Local Planning Authority before the development hereby approved is occupied and shall thereafter be retained.

Reason

To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal in accordance with Policy GEN2 of the North East Lincolnshire Local Plan.

10 Condition

The development hereby approved shall be restricted to a café and for no other purpose, including any other uses falling within Class A3 of the Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order with or without modification) unless a further change of use is granted planning permission by the Local Planning Authority.

Reason

The Local Planning Authority wishes to retain control of future changes of use to protect the amenities of the occupiers of surrounding properties in accordance with Policy GEN2 of the North East Lincolnshire Local Plan.

11 Condition

The timber cladding for the café hereby approved has been approved under DC/535A/10/WAB and all work shall accord with these approved details. Details of the materials for the windows shall be submitted to and approved in writing by the Local Planning Authority together with the exact planting details and maintenance regime for the green roof. All work shall accord with the approved details and shall thereafter be retained.

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 in accordance with Policy GEN2 of the North East Lincolnshire Local Plan.

12 Condition

Notwithstanding the plans hereby submitted, no development shall commence until:-

- (a) a scheme of landscaping showing the details of the number, species, sizes and planting positions of all trees and shrubs to be planted has been submitted and approved in writing;
- (b) a plan including details of all trees to be retained, any to be felled, hedgerows to be retained, any sections of hedgerow or trees to be removed shall be submitted to and approved in writing by the Local Planning Authority;
- (c) measures for the protection of trees and hedges during construction work shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure a satisfactory appearance and setting for the development and protection of existing features in the interests of local amenity in accordance with Policy GEN3 of the North East Lincolnshire Local Plan.

13 Condition

The approved landscaping plan shall be carried out in its entirety within a period of 12 months;

beginning with the date on which development commences or within such longer period as may be first agreed in writing with the Local Planning Authority. All planting shall be adequately maintained for a period of 5 years, beginning with the date of completion of the scheme 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 development and to ensure the continued maintenance of the approved landscaping in the interests of local amenity in accordance with Policy GEN3 of the North east Lincolnshire Local Plan.

14 Condition

No trees/hedges within the 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/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 removal or subsequent failure to survive, be replaced within 12 months of their failure by the planting of such live specimens and in such numbers as may be approved in writing by the Local Planning Authority.

Reason

To preserve and ensure the continuity of existing landscape features in the interests of local amenity in accordance with Policy GEN3 of the North East Lincolnshire Local Plan.

15 Condition

The details of the external lighting as submitted and approved under application DC/535A/10/WAB shall be implemented prior to the occupation of the building hereby approved and shall thereafter be so retained.

Reason

In the interests of visual amenity in accordance with Policy GEN2 of the North East Lincolnshire Local Plan.

16 Condition

If during redevelopment contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. If no contamination is found during the course of the development a written statement confirming this fact must be submitted to the Local Planning Authority upon completion of works.

Reason

To ensure that any previously unconsidered contamination is dealt with appropriately in accordance with Policy GEN2 of the North East Lincolnshire Local Plan.

17 Condition

Facilities for mothers to breastfeed their babies as approved under DC/535A/10/WAB shall be provided at all times.

Reason

To ensure adequate discrete facilities for mothers to breastfeed their children when required.

18 Condition

The development hereby approved shall be carried out in strict accordance with the following plans unless otherwise stated in the conditions above:

1370-9; 1370-14D; 1370-20B; 1370-13A; 1370-19; 1370-15;

Reason

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

19 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 the National Planning Policy Framework and subject to the conditions attached considers the proposal would not harm the character and appearance of the area or neighbours residential amenity. The proposal has been approved in accordance with North East Lincolnshire Local Plan 2003 particularly Policies GEN2, GEN3, LTC9, T6 and T7.

20 Informative

Condition 2 requires the developer to enter into a section 106 Agreement with the Local Planning Authority to enable a contribution of £5,000 to be made towards the introduction of a 50mph speed limit.

21 Informative

As works are required within the existing highway in order to enable the development to take place, please contact Highways Management on 01472 324431 well before works begin.

22 Informative

As a Traffic Regulation Order is required to be implemented, in order to enable the development to take place, please contact the Safe Environment Section of the Regeneration Directorate well in advance of the commencement of works (Tel: 01472 324492).

23 Informative

Please be aware that there is a public right of way (Ashby cum Fenby BW91) running along the southern boundary of the proposal. At no time during and following the development should the surface be damaged, or the right of way be obstructed.

24 Informative

Please be aware that the proposed passing bay on the A18 will be over an existing highway drain in the verge and so appropriate accommodation works will be required.

25 Informative

If there is a watercourse on or adjacent to your 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 Strategic Director of Environment, Economy and Housing for approval. It is essential that this information must be submitted well in advance of any intended work.

Even if direct works to drainage pipes, culverts, ditches, dykes, streams or watercourses are not contemplated, the Strategic Director is empowered under the Public Health Legislation to require such culverting to be carried out in the case of a watercourse on the 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 to them so it is in your interest to

establish the correct course of action as soon as possible.

26 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 the 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 Strategic Director of Environment, Economy and Housing before the commencement of works on site.

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

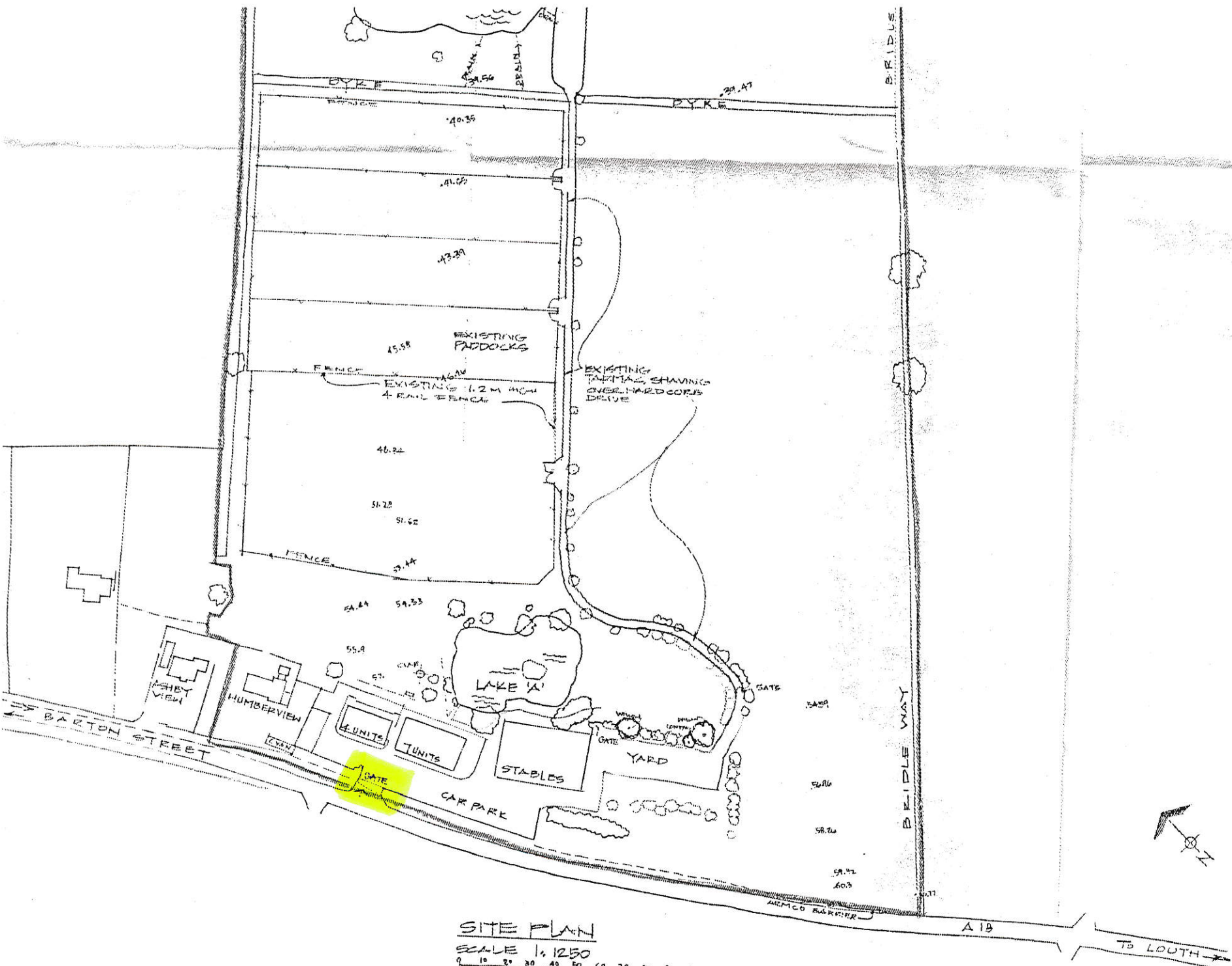
Signed:



Dated: 4th May 2012

Marc Cole

Official Capacity: Executive Director of Regeneration




SITE PLAN
 SCALE 1:1250
 0 10 20 30 40 50 60 70 80 90 100
 PAPER SIZE A1

PYE CRI
 CHARTERED LANDSCAPE ARCHITECTS
 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

Willow Lakes (Ashby Hill Top farm)



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	Drawn by	Scale	Date				North East Lincolnshire Council Civic Offices Knoll Street Cleethorpes, DN35 8LN	www.nelincs.gov.uk
		1:5000	14/02/2014					
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