

**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/1227/08/HUM 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 (Premier Window Systems Grimsby Ltd), Wilton Road, Wilton Road Industrial Estate, Grimsby, North East Lincolnshire DN36 4AW (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 29<sup>th</sup> May 2009 as per approved planning application no. DC/1227/08/HUM (attached hereto).

4. **The breach of conditions**

The following conditions have not been complied with:-

**Condition 2**

The development hereby permitted shall not commence until details and/or samples of all external materials to be used in the external construction of the proposed buildings and to cover parking, manoeuvring, access and other ground surfacing areas have been submitted to and approved in writing by the Local Planning Authority.

**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.

#### Condition 4

No development, hereby approved, shall be commenced on the site 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 within the site to be retained, any trees to be felled, the hedgerows to be retained, any sections of hedgerow or trees which are to be removed;

(c) measures for the protection of trees and hedges during construction work,

have been submitted to and approved in writing by the Local Planning Authority.

#### Reason

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

#### Condition 6

Details of a scheme of walls and railings shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any work on site and the approved scheme shall be implemented to the satisfaction of the Local Planning Authority before the development hereby permitted is first occupied and shall thereafter be so retained

#### Reason

To ensure a satisfactory finished appearance to the development and to ensure security.

#### Condition 13

Before any development is commenced on site wheel cleaning facilities shall be provided to a standard and in such a position as previously approved in writing by the Local Planning Authority and shall thereafter be so retained during the period the construction works on the site are taking place and used to the satisfaction of the Local Planning Authority.

#### Reason

In the interests of road safety.

#### Condition 18

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.

#### Condition 20

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- a survey of the extent, scale and nature of contamination;
- an assessment of the potential risks to:
  - human health, property (existing and proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- an appraisal of remedial options and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".

#### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

#### Condition 24

No development hereby approved shall commence until the piped ditch running along the eastern boundary is investigated and the results and measures to improve this section of the ditch has submitted to and approved in writing by the Local Planning Authority and the approved works shall then be completed before the first occupation of any of the industrial units

#### Reason

To ensure flooding of adjoining sites is reduced.

#### Condition 25

No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works including attenuation has been approved in writing by the Local Planning Authority. Such scheme shall be implemented to the satisfaction of the Local Planning Authority before the buildings are first brought into use

#### Reason

To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal

## **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**

Submit all details and/or samples of all external materials to be used in the external construction of the proposed buildings and to cover parking, manoeuvring, access and other ground surfacing areas for approval by the Local Planning Authority.

### **Requirement No. 2**

Submit a scheme of landscaping showing the details of the number, species, sizes and planting positions of all trees and shrubs to be planted. A plan including details of all trees within the site to be retained, any trees to be felled, the hedgerows to be retained, any sections of hedgerow or trees which are to be removed and measures for the protection of trees and hedges during construction work for approval by the Local Planning Authority.

### **Requirement No. 3**

Submit details of a scheme of walls and railings for approval by the Local Planning Authority.

### **Requirement No. 4**

Submit details of on site wheel cleaning facilities for the approval of the Local Planning Authority

### **Requirement No. 5**

Submit 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

For the approval of the Local Planning Authority.

### **Requirement No. 6**

Submit an investigation and risk assessment, to assess the nature and extent of any contamination on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

- a survey of the extent, scale and nature of contamination;
- an assessment of the potential risks to:
  - human health, property (existing and proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- an appraisal of remedial options and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11". For approval by the Local Planning Authority.

**Requirement No. 7**

Submit details of the investigation, results and measures to improve the piped ditch running along the eastern boundary for approval by the Local Planning Authority.

**Requirement No. 8**

Submit a scheme for the provision of surface water drainage works including attenuation for approval by the Local Planning Authority.

**Time for Compliance:****Requirement No.1 to 8 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:



Dated: 10 - 5 - 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 Two, 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



 <b>NORTH EAST LINCOLNSHIRE COUNCIL</b> <a href="http://www.nelincs.gov.uk">www.nelincs.gov.uk</a>	<b>Details</b> Plotting in MapInfo made easier			<b>Rev No.</b>			This product includes mapping data licensed from Ordnance Survey with the permission of the Controller of HMSO. © Crown Copyright 2006. All rights reserved. Licence number 100020759	
	<b>Drawn by</b> walkek2	<b>Scale</b> 1:1250	<b>Date</b> 05/05/2011				Aligned Assets Limited Links One, Links Business Centre Old Woking Road, Old Woking Surrey, GU22 8BF	
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