

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/850/08/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 adjacent to 27 Humber Street, 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 3rd October 2008 as per approved planning application no. DC/850/08/CRB (attached hereto).

4. **The breach of conditions**

The following conditions have not been complied with:-

Condition 1

Before any of the residential units are occupied the two additional chimneys stacks and the contrasting bricks to the window sills and headers shown on approved plans shall be installed on the building in strict accordance with approved plans

Condition 2(a)

The development, hereby approved, shall not be occupied 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;

Condition 4

Details of a scheme of screen walls and fences shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the dwellings 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.

Condition 6

Prior to the accommodation hereby permitted being first occupied bin storage facilities shall be provided to a design, siting and materials specification previously approved in writing by the Local Planning Authority and shall thereafter be so retained.

Condition 7

No dwellings on the site shall be occupied until the vehicular access to it and the vehicle parking space(s) serving it have been constructed to the satisfaction of the Local Planning Authority, and the vehicle parking space(s) garage facilities shall thereafter be so retained

Condition 10

Development shall not be occupied until a scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The measures for dealing with the contamination shall be implemented to the satisfaction of the Local Planning Authority in accordance with the agreed programme of works

Condition 11

The development hereby permitted shall not be occupied until details of a comprehensive contaminated land investigation has been submitted to and approved by the Local Planning Authority (LPA) and until the scope of works approved therein have been implemented. The assessment shall include all of the following measures unless the Local Planning Authority dispenses with any such requirements in writing:

a) A Phase I desk study carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required).

Two full copies of the desk study and a non-technical summary shall be submitted to the Local Planning Authority without delay upon completion.

b) A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle and takes into account the sites existing status and proposed new use.

Two full copies of the site investigation and findings shall be forwarded to the Local Planning Authority

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 (Condition 1)

Install two additional chimney stacks and window sills and headers as shown on the approved plans.

Requirement No. 2 (Condition 2a)

Submit a full landscaping scheme to include number, species, sizes and planting positions for approval by the Local Planning Authority.

Requirement No. 3 (Condition 4)

Undertake the scheme of screen walls and fences approved by the Local Planning Authority.

Requirement No. 4 (Condition 6)

Provide bin storage facilities as approved by the Local Planning Authority

Requirement No. 5 (Condition 7)

Construct vehicle access and parking spaces as approved by the Local Planning Authority.

Requirement No. 6 (Condition 10 & 11)

Provide all outstanding information in relation to contamination and site investigation as required by Conditions 10 and 11

Time for Compliance:

Requirement No. 1 to No. 6 inclusive

30 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: 2 March 2010

On behalf of: North East Lincolnshire Borough Council

WARNING

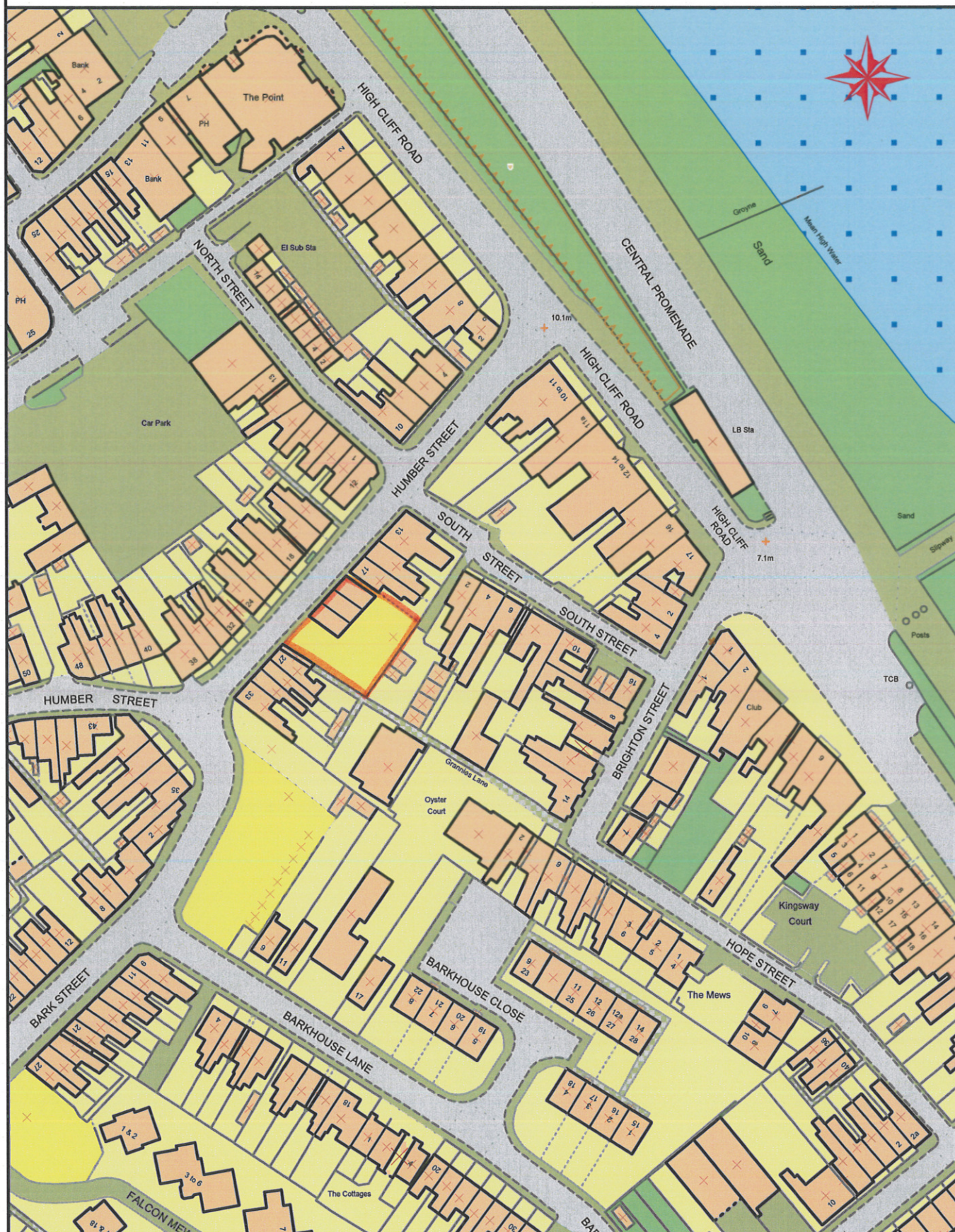
There is no right of appeal against the notice

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

Block Plan - Wesley Crescent



Details
Cleethorpes Town Centre

Drawn by
JB

Scale
Not to Scale

Date
26th Jan 10

File Pathname / Project / Drawing No.

Rev
No.

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NOTICE OF DECISION

Application Number: DC/850/08/CRB

Issuing Authority: North East Lincolnshire Council

Applicant's Name and Address:

Mr Lee Cockerill
12E Primrose Way
Cleethorpes
N E Lincolnshire
DN35 0SN

Agent's Name and Address:

Mr Dave Hickinson
KD Design
32 Eastgate
Louth
Lincolnshire
LN11 9NG

The following decision has been made upon your application received on **25th July 2008** relating to:-

Application Site: 27 Humber Street (land adj) Cleethorpes N E Lincolnshire

Proposal: Re-sub of DC/1199/07/CRB to retain modifications to approved housing

Granted subject to:-

- 1 Condition
Before any of the residential units are occupied the two additional chimneys stacks and the contrasting bricks to the window sills and headers shown on approved plans shall be installed on the building in strict accordance with approved plans.

Reason

To ensure a satisfactory appearance of the dwellings and the street scene and reduce the mass of the proposal.

- 2 Condition
The development, hereby approved, shall not be occupied 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.

3 Condition

The scheme of landscaping and tree planting shown to be shown on a drawing to be approved by the Local Planning Authority shall be carried out in its entirety within the period of 12 months beginning with the date on which development is completed, or within such longer period as may be agreed in writing with the Local Planning Authority. All planting shall be adequately maintained for the 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 approved development, and to ensure the continued maintenance of the approved landscaping in the interests of local amenity.

4 Condition

Details of a scheme of screen walls and fences shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the dwellings 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 safeguard residential amenity.

5 Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no development under Schedule 2, Part 1, Class A, B, C, D, E, F shall be permitted within the curtilage of the dwelling(s) hereby permitted.

Reason

In order to protect residential amenity of surrounding residents, and the visual character of the area.

6 Condition

Prior to the accommodation hereby permitted being first occupied bin storage facilities shall be provided to a design, siting and materials specification previously approved in writing by the Local Planning Authority and shall thereafter be so retained.

Reason

To provide acceptable refuse facilities for the occupants of the accommodation and to ensure satisfactory appearance to the finished development.

7 Condition

No dwellings on the site shall be occupied until the vehicular access to it and the vehicle parking space(s) serving it have been constructed to the satisfaction of the Local Planning Authority, and the vehicle parking space(s) garage facilities shall thereafter be so retained.

Reason

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

8 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.

- 9 Condition**
The development shall be completed in accordance with amended plan ref. no. KD03326-07G.

Reason
To maintain the attractive appearance of the area and reduce the mass of the proposal.

- 10 Condition**
Development shall not be occupied until a scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The measures for dealing with the contamination shall be implemented to the satisfaction of the Local Planning Authority in accordance with the agreed programme of works.

Reason
The application site is known to contain contaminated material and measures must be undertaken to deal with this issue as required by PPG.

- 11 Condition**
The development hereby permitted shall not be occupied until details of a comprehensive contaminated land investigation has been submitted to and approved by the Local Planning Authority (LPA) and until the scope of works approved therein have been implemented. The assessment shall include all of the following measures unless the Local Planning Authority dispenses with any such requirements in writing:

a) A Phase I desk study carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the Local Planning Authority without delay upon completion.

b) A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle and takes into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the Local Planning Authority.

Reason
To ensure potential risks arising from previous site uses have been fully assessed.

- 12 Condition**
Where the risk assessment identifies any unacceptable risk or risks, a detailed remediation strategy to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted and approved by the Local Planning Authority. No works, other than investigative works, shall be carried out on the site prior to receipt of written approval of the remediation strategy by the Local Planning Authority.

Reason
To ensure the proposed remediation plan is appropriate.

- 13 Condition**

Remediation of the site shall be carried out in accordance with the approved remediation strategy. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

Reason

To ensure site remediation is carried out to the agreed protocol.

14 Condition

On completion of remediation, two copies of a closure report shall be submitted to the Local Planning Authority. The report shall provide validation and certification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.

Reason

To provide verification that the required remediation has been carried out to the required standards.

15 Condition

If, during development, 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 the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority.

Reason

To ensure all contamination within the site is dealt with.

16 Condition

No development approved by this permission shall be occupied until a scheme for the provision and implementation of foul drainage works has been approved in writing by the Local Planning Authority, such scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority.

Reason

To prevent the increased pollution of the water environment.

17 Condition

No development approved by this permission shall be occupied until a scheme for the provision of surface water drainage works 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 dwellings are first occupied.

Reason

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

18 Condition

Notwithstanding the approved plans before the approved dwellings are first occupied details of the construction and finishes for the altered wall adjoining 27 Humber Street shall be submitted to and agreed in writing by the Local Planning Authority and completed before any of the dwellings are first occupied.

Reason

To safeguard the appearance of the area.

19 Condition

Notwithstanding the approved plans before the dwellings are first occupied details of a dwarf wall and entrance piers to the entrance drive on the Humber Street frontage shall be submitted to and agreed in writing by the Local Planning Authority and completed before any of the dwellings are first occupied.

Reason

To safeguard the appearance of the area and improve security.

20 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 Department of Environmental Services well in advance of the commencement of works. (Tel:- 01472 324431)

21 Informative

If there is a watercourse on or adjacent to your site, please bear in mind that it is an offence, to fill, drainage pipes or culvert any ditch, dyke, streams or watercourses without first submitting plans and sections to the Council's Director of Technical Services for approval. It is essential that this information is submitted well in advance of any intended work.

Even though direct works to drainage pipes, culverts, ditches, dykes, streams or watercourses are not contemplated, the Director of Technical Services is empowered under the Public Health Legislation to require such culverting to be carried out in the case of a watercourse on the site or abutting the site of land being set out for building. This requirement may be enforced even if you do not own the ditch, the notices requiring such culverting work has a cost attached to it, so it is in your interest to establish the correct course of action as soon as possible.

22 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 the level of the land on any part of the site is 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 Director of Technical Services before the commencement of works on site.

23 Informative

Existing ground levels should not be increased otherwise surface water drainage problems may result.

24 Reason for Approval

The proposed development would subject to the conditions imposed have an acceptable impact on the character of the area and would not have a significant impact on neighbours amenities or highway safety in accordance with saved Policies GEN1 and T6 of the North East Lincolnshire Local Plan 2003.

25 Informative

The plans approved as part of this permission are by KD Designs Ltd with the North East Lincolnshire Council date stamp of 25th September 2008 and 25th July 2008 with drawing nos. KD 03326-07rev G & KD03326.10.

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

Signed:

A handwritten signature in black ink, appearing to be 'Ray Oxby', written over a horizontal line.

Dated: 3rd October 2008

Ray Oxby

Official Capacity: Executive Director of Environmental Services