

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

Served by: North East Lincolnshire Borough Council

To: Herby Glover, 96 Humberston Avenue, Humberston, North East Lincolnshire DN36 4SU

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 DM/0212/21/FUL relating to the land described below, have not been complied with. The Council consider that you should be required to comply with the conditions specified in this notice.

2. **The land affected by the notice**

The land known as 59 Cheapside, Waltham, North East Lincolnshire DN37 OHE (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 6th May 2021 as per approved planning application no DM/0212/21/FUL (attached hereto).

4. **The breach of conditions**

The following conditions have not been complied with:-

Condition 7

The measures detailed in the Construction Management Statement RD3962 shall be adhered to at all times during the construction of the development. (attached hereto)

Reason

In the interests of highway safety and to protect the residential amenities of the neighbouring properties in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2018 (adopted 2018).

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

Cease the operation of machinery carrying out of any operation or process, taking in or dispatching any deliveries in connection with the construction of the development outside the hours of 8.00am to 6.00pm Monday to Friday, 8.00am to 1pm Saturday and not on a Sunday or bank Holiday.

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: 27th October 2021

On behalf of: North East Lincolnshire Borough Council

WARNING

There is no right of appeal to The Secretary Of State for The Environment 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 Kerry Walker, Planning and Highways Enforcement, Equans, New Oxford House, George Street, Grimsby DN31 1HB. 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: DM/0212/21/FUL

Issuing Authority: North East Lincolnshire Council

Applicant's Name and Address:	Agent's Name and Address:
Mr Herby Glover 96 Humberston Avenue Humberston North East Lincolnshire DN36 4SU	Mr Matt Deakins Ross Davy Associates Pelham House 1 Grosvenor Street Grimsby North East Lincolnshire DN32 0QH

Proposal: Erect 3 detached dwellings with dormer windows, roof lights and decking, alterations to existing access, boundary treatments and associated works (amended plans March 2021)

Application Site: 59 Cheapside Waltham Grimsby North East Lincolnshire

The following decision has been made upon your application received on 25th February 2021.

Granted subject to: -

- 1 Condition
The development hereby permitted shall begin within three years of the date of this permission.

Reason

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

- 2 Condition
The development shall be carried out in accordance with the following plans:

RD3962-07B Site Location
RD3962-02 Rev R Proposed site layout
RD3962-06 E Cross Section
RD3962-03F Plot 1 Plans and elevations
RD3962-04E Plot 2 Plans and elevations
RD3962-05B Plot 3 Plans and elevations
RD3962-24 Foundation Plan

RD3962-16-A Plan to Dyke Access
1115-1163-CIV-10 P9, CIV-20 P4, CIV-51 P1 Drainage Plans
1115-1163-CIV 30 P2 External works plan
RD3962-23A Tree protection
Cross Section erosion detail plan and documents TR20-3317 RSS - V1
1115-1163-CIV40 A Access Crossing Detail

Reason

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

3 Condition

The development shall be built out in accordance with the surface water details 1115-1163-CIV-10 P9, CIV-20 P4, CIV-51 P1 which shall be fully implemented prior to the occupation of any dwelling.

Reason

In the interests of reducing flood risk in accordance with Policy 33 of the North East Lincolnshire Local Plan 2013-2032.

4 Condition

The development shall be built out in accordance with the Materials Schedule RD3962 unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure the development has an acceptable external appearance and is in keeping with the visual amenity and character of the area in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032.

5 Condition

Prior to any construction works or ground works for the construction of the hereby approved dwellings the erosion control scheme for the bank of Buck Beck, as detailed on plan and documents ref: RD3962-02P and TR20-3317_RSS - V1 (reinforced soil slope) including the landscape planting, shall be fully completed and agreed in writing that it has been so with the Local Planning Authority.

Reason

In the interests of flood risk and erosion control in accordance with Policies 5 and 33 of the North East Lincolnshire Local Plan 2013-2032.

6 Condition

Prior to development commencing full details of how the erosion control measures, as required through condition 5 of this permission, tie into the adjoining bank shall be submitted to and approved in writing by the Local Planning Authority. The erosion control measures shall then be carried out in accordance with these approved details prior to any construction or ground works for the construction of the hereby approved dwellings commencing.

Reason

In the interests of reducing flood risk in accordance with Policy 33 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

- 7 Condition
The measures detailed in the Construction Management Statement RD3962 shall be adhered to at all times during the construction of the development.
- Reason
In the interests of highway safety and to protect the residential amenities of the neighbouring properties in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2018 (adopted 2018).
- 8 Condition
Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any statutory amendment thereto), no development under Schedule 2 Part 1, Class A, B, C, E shall be permitted within the curtilage of any dwelling.
- Reason
To protect residential amenity and the visual character of the area in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032.
- 9 Condition
Access to Buck Beck, as shown on plan ref: RD3962-16-A shall be provided at the request of the Local Planning Authority in order to do maintenance and repair work to Buck Beck.
- Reason
In the interests of reducing flood risk in accordance with Policy 33 of the North East Lincolnshire Local Plan 2013-2032.
- 10 Condition
Prior to any soils or material being brought onto the site details to verify that it is fit for use shall be submitted to and agreed in writing by the Local Planning Authority. All materials used shall be in accordance with the details approved.
- Reason
In the interests of health and safety in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032.
- 11 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 the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. All remediation shall be undertaken in accordance with the details approved.
- Reason
To ensure that any previously unconsidered contamination is dealt with appropriately in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032.

- 12 Condition
The development shall be built out and occupied in accordance with the 'water use' measures as detailed in the Water Use Calculator document.
- Reason
To ensure the efficient use of water and to accord with Policy 34 of the North East Lincolnshire Local Plan 2013-2032 (Adopted 2018).
- 13 Condition
The scheme of landscaping and tree planting shown on plan RD3962-02 REV R shall be completed within a period of 12 months of commencement of development and shall be adequately maintained for 10 years, beginning with the date of completion of the scheme and during that period all losses shall be replaced during the next planting season. Neither a planted tree or the existing trees shown to be retained on plan RD3962-02 REV R shall be removed unless agreed in writing by the Local Planning Authority. Any scheme for tree removal shall include a consideration as to the stabilisation of the bank to Buck Beck and the submission of a mitigation strategy. All tree removal works and required bank stabilisation shall be undertaken in accordance with the details approved.
- Reason
To ensure a satisfactory completion and appearance for the development in the interests of local amenity in accordance with Policy 5, 22 and 42 of the North East Lincolnshire Local Plan 2013-2032.
- 14 Condition
Prior to any development commencing on the construction of the hereby approved dwellings full details of the ground conditions and subsequent foundation designs shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be built out in accordance with the approved details.
- Reason
To protect the integrity of Buck Beck in accordance with Policies 5 and 33 of the North East Lincolnshire Local Plan 2013-2032.
- 15 Condition
The first floor bathroom window for plot one shall be glazed with obscure glass to a minimum obscurity level of four as measured on the Pilkington Scale and shall be so retained at the same level of obscurity thereafter.
- Reason
In the interest of residential amenity to accord to Policy 5 of the North East Lincolnshire Local Plan 2013-2032.
- 16 Condition
The access works shall be in accordance with the details shown on plan 1115-1163-CIV40 A.

Reason

In the interests of highway amenity to accord to Policy 5 of the North East Lincolnshire Local Plan 2013-2032.

Informatives:-

- 1 Reason for Approval
The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan. The proposal would not harm the area character or residential amenity and is acceptable under all other planning considerations. This proposal is approved in accordance with the North East Lincolnshire Local Plan 2013-2032 (adopted 2018), in particular policy 5, 22, 33 and 34.
- 2 Article 31(1)(cc) Statement - Positive and Proactive Approach
No problems have arisen during consideration of this application that have required working directly with the applicant to seek solutions.
- 3 Informative
Please note that you may also require Building Regulations. You are advised to contact them in advance of work on site commencing (Tel: 01472 325959).
- 4 Informative
This application will require the creation of new postal addresses. You are advised to contact the Street Naming & Numbering Team on 01472 323579 or via email at snn@nelincs.gov.uk to discuss the creation of new addresses.
- 5 Informative
Please note that at least six months in advance of work commencing on site you are required to contact the Highway Management Team with respect to the formation of a vehicular access within the existing highway. This will enable a S184 licence to be granted within appropriate timescales. No works should commence within the highway boundary until such licence is obtained. (Tel: 01472 325734)

This Notice is issued on behalf of North East Lincolnshire Planning Authority.

Signed: 

Mark Nearney

Official Capacity: Assistant Director of Housing, Highways and Planning

Date: 6th May 2021

CONSTRUCTION MANAGEMENT STATEMENT

Proposed Development at
Rear of 59 Cheapside,
Waltham,
North East Lincolnshire



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SITE OPERATING TIMES

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.

HOURS OF DELIVERY

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. Ideally deliveries to be taken outside of school drop off or pick up times.

NOISE REDUCTION AND CONTROL

The appointed Principal Contractor would be expected to control emitted noise in line with:

- General H & S regulations

- BS 5228 - Noise & Vibration control on construction and open sites

Works would be planned to either eliminate or reduce as far as practical emitted noise, thus reducing the potential hazard for both on site workers and adjoining site properties. Reduction measures could include the following:

- The use of noise dampened machinery and tools (in line with current British standards)
- Fitted silencers on construction plant,
- The controlled use of noisy plant within acceptable working hours.
- On site (at source) and off site (environmental) noise monitoring and assessment
- The use of noise screens and covers for tools and works operations

DUST SUPPRESSION

Dust is generated through normal construction works. High levels of dust can create an occupational health hazard for on-site personnel and members of the public outside the site boundary.

The appointed Principal Contractor would be expected to control emitted dust through adherence to the following:

- The Environmental Protection Act,
- General H & S regulations,

Dust can be controlled at source through standard industry best practice measures. These could include:

- The use of well-maintained cutting tools and equipment,
- The use of water suppressed concrete saws / floor saws,
- The use of at source dust extraction fitted to concrete drills / saws

Dust emitted throughout the site are could be reduced / controlled again by following industry best practice:

- The use of water suppression on access roads throughout site,
- The control of materials that could generate airborne dust,
- The use of dust screens and site boundary fencing,
- Wheel wash facilities

Where required environmental dust, monitoring could be undertaken to record emitted / airborne levels both on and off site

WHEEL WASHING / VEHICLE CLEANING

The use and operation of site vehicles can increase the spread of mud and dirt, both on and off site.

Current industry standards include the use of wheel wash facilities (where deemed appropriate). A wheel wash operative with hand held washing equipment will be provided at the entrance / exit of the site.

NOTE: Site drainage for wash water will be required. The stone / gravel area will provide a natural percolation for the water.

The aim would be to reduce the spread of mud / dirt through the cleaning of wheels and vehicle bodies.

The main washing area would be implemented around the main site entrance where the access / egress would need to be maintained clear and clean.

Where required road sweepers could be used for the cleaning of public roads serving as entrances to site.

TEMPORARY PARKING

Construction traffic will be able to park within the site and not on the grass verges.