

**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:** The Company Secretary, Snape Properties Limited, Thornlea, Main Road, Ashby-cum-Fenby, Grimsby, North East Lincolnshire DN37 0QW

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/0997/16/OUT 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 Land on the west side of Bradley Road, Barnoldby Le Beck, Grimsby (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 14<sup>th</sup> September 2018 as per approved planning application no DM/0997/16/OUT (attached hereto).

4. **The breach of conditions**

The following condition has not been complied with:-

*Condition 7*

*Prior to the development commencing, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. It shall include:*

- Contact details of the person with responsibility for the implementation of the CMP;*
- The expected number, types and size of vehicles during the entire construction period;*
- Working and delivery hours, including their management;*
- Visitor, construction and contractor parking areas;*
- Materials storage area;*
- Wheel cleaning facilities, including their location;*
- Noise, vibration and dust mitigation measures;*
- Construction traffic management plan.*

**Once approved, the Plan shall be adhered to at times during construction. (attached hereto)**

*Reason*

*In the interests of highway safety and to protect the residential amenities of the neighbouring properties in accordance with Policy 2 of the Submitted North East Lincolnshire Local Plan 2016.*

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**

Do not undertake any construction work, operation of any machinery, carry out any process, take in or dispatch any deliveries from the site in connection with the construction of the development before 08.00 hours or after 1800 hours Monday to Friday, before 08.00 hours or after 1300 hours on Saturdays and not at any time on Sundays or Bank Holidays.

**Requirement No. 2**

Prior to leaving the site, vehicles will be inspected, and the wheels be washed on the hard standing using a Karcher type jet wash unit and a Road Sweeper will be included if required and as requested through engagement with the Local Planning Authority The contractor will manage the risk of any road contamination by regular monitoring.

**Time for Compliance:**

**Requirement No. 1**

28 Days from the date this notice takes effect.

**Requirement No. 2**

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: 16<sup>th</sup> November 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**



## Town and Country Planning Acts

# NOTICE OF DECISION

**Application Number: DM/0997/16/OUT**

**Issuing Authority: North East Lincolnshire Council**

<b>Applicant's Name and Address:</b> Mr C W Dixon 5 Kiln Lane Louth Lincolnshire LN11 0LG	<b>Agent's Name and Address:</b> Mr Daniel Snowden Ross Davy Associates Pelham House 1 Grosvenor Street Grimsby DN32 0QH
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**Proposal:** Outline application to erect 66 dwellings including drainage strategy with access and landscaping to be considered (Amended plans June 2017)

**Application Site:** Land At Bradley Road Waltham North East Lincolnshire

**The following decision has been made upon your application received on 17th October 2016.**

**Granted subject to: -**

- 1 Condition  
Applications for approval of the matters referred to in Condition 2 (known as reserved matters) shall be made within three years of the date of this permission and the development to which it relates shall begin no later than whichever is the later of the following dates:

- (a) Three years from the date of the grant of outline planning permission
- (b) Two years from the final approval of the reserved matters, or in the case of approval on different dates, final approval of the last such matter to be approved.

**Reason**

This permission is in outline only and the information is necessary for consideration of the detailed proposal as required by S.92 of the Town and Country Planning Act 1990.

2 Condition  
This permission hereby granted is in outline form only and no development shall begin until full details of the following reserved matters have been submitted to and approved by the Local Planning Authority:

- (a) The layout, scale and appearance of the development;
- (b) A landscaping scheme for inside the site including details of existing trees, hedges and planting to be retained;
- (c) Foul and surface water drainage.

The reserved matters should accord with the principles set out in the Design and Access Statement.

Reason

This permission is in outline only and the information is necessary for consideration of the detailed proposal as required by S.92 of the Town and Country Planning Act 1990.

3 Condition  
The development shall be carried out in accordance with the following plans: RD:3719-01A, RD3719-05E, TPS-01-01-06-17 (Woodland Shelterbelt Planting).

Reason

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

4 Condition  
The landscaping scheme detailed on plan ref: TPS-01-01-06-17 (Woodland Shelterbelt Planting) shall be fully planted out prior to any dwelling being first occupied on the site. All planting shall be adequately maintained, as specified on the approved plan, 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.

Reason

In the interests of visual amenity and bio-diversity in accordance with Policies 2, 40 and 41 of the submission North East Lincolnshire Local Plan 2016.

5 Condition  
Prior to commencement of development, a detailed scheme for Air Quality Improvement, including a schedule for implementation, shall be submitted to and approved by the Local Planning Authority. The development shall then proceed in accordance with the approved details.

Reason

In the interest of improving air quality in accordance with the submission North East Lincolnshire Local Plan 2016 and the National Planning Policy Framework 2012.

6 Condition  
Prior to commencement of development, a detailed scheme for Ecological Mitigation and Bio-diversity Improvement; based on the Ecological Survey and a

schedule for implementation, shall be submitted to and approved by the Local Planning Authority. The development shall then proceed in accordance with the approved details.

#### Reason

In the interest of improving bio-diversity in accordance with the Policy 40 of the submission North East Lincolnshire Local Plan 2016 and the National Planning Policy Framework 2012.

#### 7 Condition

Prior to the development commencing, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. It shall include:

- Contact details of the person with responsibility for the implementation of the CMP;
- The expected number, types and size of vehicles during the entire construction period;
- Working and delivery hours, including their management;
- Visitor, construction and contractor parking areas;
- Materials storage area;
- Wheel cleaning facilities, including their location;
- Noise, vibration and dust mitigation measures;
- Construction traffic management plan.

Once approved, the Plan shall be adhered to at times during construction.

#### Reason

In the interests of highway safety and to protect the residential amenities of the neighbouring properties in accordance with Policy 2 of the Submitted North East Lincolnshire Local Plan 2016.

#### 8 Condition

Development shall not begin until the following details have been approved by the Local Planning Authority.

- (i) Detailed plans to a scale of at least 1/500 showing:-
  - (a) the proposed layout and widths of all carriageways, footways and shared surface areas on the Development;
  - (b) full construction details for all proposed carriageways, footways and shared surface areas;
  - (c) cross sections;
  - (d) the highway drainage system;
  - (e) the proposed locations of street lighting columns, all services and ducts for services, within the carriageways and footways;
  - (f) the number, location and layout of the vehicle garaging and/or parking facilities within the site to serve the proposed residential development;
  - (g) management arrangements for any carriageways, footways and/or landscaped areas not to be adopted by the local authority; and
  - (h) swept path analysis demonstrating turning manoeuvres for emergency vehicles on all carriageway (adopted and private), and refuse vehicles on all adopted carriageway. Emergency vehicles and refuse vehicles need to

demonstrate that they can pass a parked car to ensure that roads do not become impassable should on-street parking occur. Emergency vehicles will require appropriate turning facilities, regardless of status of the road (i.e. adopted or private).

(ii) A Stage 1 and 2 Road Safety Audit (RSA) for the proposed access on Bradley Road. The RSA should take into consideration the main vehicular access point, the shared drive to properties 1 and 2, and the proposed dropped kerbs and tactile paving to facilitate pedestrian crossing movements. The Road Safety Audits must be undertaken by a fully qualified independent Road Safety Auditor.

Once approved, development must proceed in strict accordance with the approved plans and specifications.

#### Reason

To ensure that the proposed access roads are made up as soon as possible and in the interests of public and road safety in accordance with Policy 2 of the submission North East Lincolnshire Local Plan 2016.

#### 9 Condition

Within the areas of land required for the visibility splays (as shown on plan RD:3719-05 E) nothing shall at any time be erected, retained or allowed to grow over 1.05 metres in height above the carriageway level of the adjoining highway.

#### Reason

In the interests of road safety in accordance with Policy 2 of the submission North East Lincolnshire Local Plan 2016.

#### 10 Condition

A Residential Travel Plan (RTP) shall be produced and submitted to the Local Planning Authority as part of the reserved matters planning application. The RTP should be produced in accordance with NELC Guidance and in liaison with NELC Highways and Transport Department. The RTP should include, but not be limited to the following:

1. Contact details of the person with responsibility for the implementation for the RTP;
2. Details of measures and initiatives to be in place to encourage travel by sustainable modes of travel, in particular walking, cycling, and public transport use;
3. 3 and 5 year targets associated with minimising lone car occupancy travel;
4. Details of how the RTP will be monitored (e.g. results of travel surveys within 3 months of first occupation and at key stages during occupancy);
5. The 'life' of the RTP should be from first occupation to 5 years after full occupation of dwellings to ensure that the RTP has adequate time to become effective.

Once approved, the RTP shall be implemented in accordance with its terms.

#### Reason

In the interests of sustainable development in accordance with Policies 1 and 2 of the submission North East Lincolnshire Local Plan 2016.



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.

Reason

To ensure that any previously unconsidered contamination is dealt with appropriately in accordance with Policy 2 of the submission North East Lincolnshire Local Plan 2016

**Informatives:-**

1 Informative

The applicant should be aware of the recommendations and requirements for the site layout made by the Highways Dept. dated 21st July 2017 when preparing the reserved matters planning application for the site layout.

2 Informative

As a Traffic Regulation Order is required to be implemented, in order to enable the development to take place, please contact the Traffic and Road Safety Team at least 6 months in advance of the commencement of works. (Tel: 01472 324528).

3 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 Director of Place 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 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.

4 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 Director of Place, before the commencement of works on site.

5 Added Value Statement

Article 31(1)(cc) Statement - Positive and Proactive Approach

In accordance with paragraph 187 of the National Planning Policy Framework, the Local Authority has worked in a positive and proactive manner with the applicant to seek solutions to problems arising, by providing detailed pre-application advice and negotiating on issues raised through the application process.

6 Reason for Approval

The Local Planning Authority has had regard to development plan policies and especially those in the North East Lincolnshire Local Plan 2003 and the Submission Local Plan 2016. 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 Submission Local Plan 2016, in particular policies 1, 2, 3, 11, 13, 15, 16, 20, 32, 40, 41 and 42, and the National Planning Policy Framework 2012.

7 Informative

Please note the comments of the Police Liaison Officer and Humberside Fire and Rescue.

8 Informative

The development should have the facilities to enable electric vehicle charging points to be provided at each dwelling should residents wish to have a charge point fitted.

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



**Signed:**

**Angela Blake**

**Official Capacity: Director of Economy and Growth - Place**

**Date: 14th September 2018**

## INFORMATION ON APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by this decision to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990, or for Listed Building Consent, under Sections 20 and 21 for Listed Buildings & Conservation Areas Act 1990.

**If you want to appeal this application, please carefully read the information below and choose which option applies to your application:**

If this is a decision to refuse planning permission for a **householder** application and you want to appeal against the decision, then you must do so within 12 weeks of the date of this notice;

If this is a decision to refuse planning permission for a **minor commercial application (e.g. shop fronts)** and you want to appeal against the decision, you must do so within 12 weeks of the date of this notice;

If this is a decision to refuse express consent for the display of an **advertisement** and you want to appeal against the decision, you must do so within 8 weeks of the date of receipt of this notice;

For all other **Full** and **Listed Building Consent** applications - If you wish to appeal against the decision, you must do so within 6 months of the date of this notice.

### Appeals on Planning Applications involving Enforcement Notices

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against the decision on your application, you must do so within 28 days of the date of this notice;

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against the decision on your application, you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

All Appeals must be made using a form which you can obtain from:

Planning Inspectorate,  
Temple Quay House,  
2 The Square,  
Temple Quay,  
Bristol,  
BS1 6PN

(Tel: 0303 444 5000) or to submit electronically at <https://www.gov.uk/planning-inspectorate>.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him/her.

The Planning Inspectorate has introduced an online appeals service which you can use to make your appeal online at <https://www.gov.uk/planning-inspectorate>. The Inspectorate will publish details of your appeal on the internet. This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party, please ensure you have

their permission to do so. More detailed information about data protection and privacy is available on the Planning Inspectorate web site.

NB. Any approval in this notice of decision refers only to that required under the Town and Country Planning Acts and does not include any consent under any other enactment, bylaw, order, building or other regulation.

**IF YOUR APPLICATIONS HAS BEEN REFUSED:**

If you decide to resubmit, your application will not be subject to a fee under the Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) Regulations 2002 provided the new application:-

- a) Is submitted as a valid application within one year of the date of the decision
- b) Is development of the same character and description as submitted previously.
- c) Relates to the same site area or part of the same site and does not include additional land
- d) Is submitted by the same applicant
- e) The applicant may only benefit from the fee exemption once for any site

Prior to any resubmission, it is strongly recommended that you discuss the revised scheme with the development management team so that any issues can be identified quickly and solutions to any barriers to achieving a planning permission discussed with you.

## **CONSTRUCTION MANAGEMENT PLAN**

For Proposed Sixty Six Residential  
Dwellings

Planning Application  
ref. approved under  
DM/0997/16/OUT and  
DM/1084/20/REM

Revision H- 02/09/21

**Site Address**

Land off Bradley Road  
Barnoldby le Beck,  
North East Lincolnshire

**Prepared by**

Palmleaf Architects  
10 Tinley Close  
Cottingham, East Yorkshire  
HU16 4EN

## Contents

1. Scope of Works
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6. Management of Dirt & Dust
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10. Noise Control

## Appendices

**Appendix A** - Existing & Proposed Site Plans

**Appendix B** - Typical Tree Protection Detail

## **1.0 Scope of Works**

- 1.1 The scheme involves the construction of Sixty Six houses in combination of both detached houses, Semi detached houses and Bungalows with separate garages, on land off Bradley Road, Barnoldby le Beck. The works will also include the formation of an access roads and landscaping works. Proposed Plans are included in the Appendix to this document for reference.

## **2.0 Enabling Works/Formation of Site Perimeter**

- 2.1 At commencement the entrance a fence gate will be established and securely protected with good quality Heras security fencing to HSG 1 51 standard to the Whole boundary of the site with all necessary signage in accordance with HSE requirements.
- 2.2 The site area is to be stoned to provide a hardstanding for site vehicles, storage of materials, site cabins etc.

## **3.0 Site Parking & Storage of Plant & Materials**

- 3.1 All contractor's vehicles will park within the site area in a designated parking area on the hard standing. There will be no contractor parking on Bradley Road.
- 3.2 All materials and plant will be stored within the fenced site area. Materials such as cement and equipment will be stored in a secure site cabin shown in within the green hatched area.

## **4.0 Management of Vehicle Access/Egress, Deliveries & Loading/Unloading of Plant Material**

- 4.1 Access to the site will be via the Bradley Road.
- 4.2 The access route to the site will be dug out and stoned to provide a hard standing for contractor's vehicles. A turning circle will be provided and kept clear on site for delivery vehicles.
- 4.3 Delivery/tipper wagons will be accompanied onto and from the site by a banksman who will be in advance of the wagons at all times. The contractor will make merchants aware of the site restrictions when arranging deliveries.
- 4.4 Construction traffic routes will be kept a safe distance from trench works at all times.

## **5.0 Wheel Wash Facility**

- 5.1 Prior to leaving the site, vehicles will be inspected and the wheels be washed on the hard standing hatched in red using a Karcher type jet wash unit and a Road Sweeper

will be included if required and as requested through engagement with the Local Planning Authority

5.2 The contractor will manage the risk of any road contamination by regular monitoring.

Should the road become contaminated any debris will be removed by spade and jet wash.

## **6.0 Management of Dirt & Dust**

6.1 If dust emissions are generated in dry period the contractor will use water spray to wet the material and suppress the dust.

6.2 The site manager will take account of weather conditions and prevailing wind direction when organising operations to prevent and minimise dust nuisance to neighbouring properties.

6.3 All site staff will be trained and be aware of the Dust Management Strategy.

6.4 The access road is to be stoned to provide a good, clean working platform and prevent road contamination.

6.5 In the event of a complaint from a neighboring property in respect of dust their concerns will be considered and action taken to prevent future occurrence.

6.6 All site staff will have appropriate PPE to protect them from the effects of dust.

## **7.0 Excavation and Ground Works**

### **7.1 Location of underground Services**

Prior to commencing excavations the site area will be checked for overhead and underground services.

- Service plans will be obtained from Utility providers and the site area checked over using a locating device.
- Once identified service routes will be identified and clearly marked. If markings are lost during the working operation the exercise will be repeated to ensure service routes remain clearly marked as required for the duration of the works.
- Works will be undertaken in accordance with the HSE Guidance Document, Avoiding danger from underground services.

### **7.2 Excavations**

- Trenches with a depth exceeding 1 m will be either battered back or suitably shored and the shoring maintained.
- Trenches will be inspected regularly and excess groundwater pumped out regularly during inclement weather.
- Vehicle plant will be kept a safe working distance from the trench to prevent potential collapse.



- No site staff will work below an excavator.

## **8.0 Protection of Existing Trees to be retained**

**8.1** Protection will be provided in accordance with BS 5837-2012. Heras fencing will be sited around the trees to prevent site operations affecting root growth etc. at a minimum distance of half the height of the tree or to the extent of the canopy of the tree, whichever is greater and maintained for the duration of the construction works. Protection will be principally as detailed in Appendix A.

## **9.0 Recycling/disposing of waste resulting construction work**

**9.1** The land is a green field site so there will be very little waste material from demolition. In respect of the construction work, the following measures have been identified to minimise the quantity of waste produced during this project :

- The experienced site manager will be responsible for identifying and segregating waste on site.
- All waste resultant from the works will be segregated on site.
- Resultant hard core will be re-used where possible in the substructure.
- Re-usable materials will be identified on site and removed for storage and re-sale.
- Recyclable materials will be removed from site for processing in licenced facilities.

## **10.0 Noise Control**

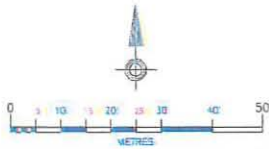
**10.1** Whilst working on site the contractor will adhere to the recommendations of BS 5228 -1 : 2009 + A1: 2014, to minimize noise levels during the execution of the Works. This is referred Statutory instruments 2015 No. 227 under The Control of Noise (Code of Practice for Construction and Open Sites) (England) Order 2015 .

**10.2** The project is a relatively simple housing scheme with no notable works which would cause significant noise pollution. The close proximity of residential housing has been noted and there will be no operation of heavy plant etc. No construction work shall be carried out on or before 08:00 hours or after 18:00 hours Mondays to Fridays, before 08:00 hours or after 13:00 hours on Saturdays and not at any time on Sundays or Bank Holidays. The work will be within the template hours in the CMP. This will include that 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 before 08.00 hours or after 1800 hours Monday to Friday, before 08.00 hours or after 1300 hours on Saturdays and not at any time on Sundays or Bank Holidays.

Land off Bradley Road, Barnoldby le Beck Planning Application Ref. DM/0997/16/OUT and DM/1084/20/REM  
Construction Management Plan

## **APPENDIX A**

### **PROPOSED SITE MANAGEMENT PLANS**



Site No. 18.203  
 North-point 1° 28' 00"  
 M.S. 7.214  
 Slope 1:100 (10%)  
 1" = 10m scale  
 1:2000 drawings

**KEY**

Contractors  
 Compound,  
 Visitor Parking  
 and Material  
 Storage



Contractors  
 Wheel Cleaning  
 Pressure water  
 washer



Electric Vehicle  
 Charge Point



Existing plants, trees  
 and structures to  
 be demolished prior  
 to site work

Children Play  
 Equipment Area



Lincolnshire Post and  
 Rail Fence 900mm high



1.8m high cross boarded  
 wooden fence



Heras Fencing



Client	Staple Partnership Ltd	Date	1/25/2017	Issue	02/03/17
Project	Darby Road Residential Development	Drawn	R.P.L.	Check	J.P. Long
Site	Phase 1 Site Management Plan	Checked	R.P.L.	Approved	P
Scale		Discussed		Discussed	
					02/03/17

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