

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: Mark Walker, MK Motor Sport, Unit 2, Jackson Place, Wilton Road, Grimsby,
North East Lincolnshire DN36 4AS

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/0403/22/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 at 41 Humberston Avenue, Humberston, North East Lincolnshire DN36 4SW (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 12th August 2022 as per approved planning application number DM/0403/22/FUL (attached hereto).

4. **The breach of conditions**

The following conditions have not been complied with:-

Condition 4

No development shall commence until a scheme for the sustainable provision of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be fully installed and made operational prior to the dwelling being first occupied and thereafter maintained.

Reason

To prevent an increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal in accordance with Policy 33 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

Condition 5

Prior to the development commencing, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in accordance with the approved details. The plan shall contain:

- Working hours;
- Visitor and contractor parking areas;
- Materials storage area;
- Wheel cleaning facilities;
- Noise, vibration and dust mitigation measures (both during demolition and construction);
- Construction traffic management plan.

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 2013-2032 (adopted 2018).

Condition 7

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;
- (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;
- (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.

The approved measures under section (c) above shall be fully installed prior to works commencing on the development and thereafter retained until the development is complete.

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 Policies 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

Condition 9

Prior to the development commencing full details of the driveway construction, installation of services and service runs (services shall utilise the existing drainage run along the driveway), with particular regard to trees, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in strict accordance with the approved details only unless otherwise firstly approved in writing by the Local Planning Authority.

Reason

To protect the adjacent trees in accordance with Policies 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (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

Formally Submit in writing a scheme for the provision of sustainable surface water drainage for approval by the Local Planning Authority in accordance with Condition 4

Requirement No. 2

Formally submit in writing a Construction Management Plan for approval by the Local Planning Authority in accordance with Condition 5 and to include;

- Working hours
- Visitor and contractor parking areas
- Materials storage area
- Wheel cleaning facilities
- Noise, vibration and dust mitigation measures (both during demolition and construction)
- Construction traffic management plan.

Requirement No. 3

Formally submit in writing a Scheme of Landscaping for approval by the Local Planning Authority in accordance with Condition 7 and to include;

- Details of the number, species, sizes and planting positions of all trees and shrubs to be planted.
- Details of all trees to be retained, any to be felled, hedgerows to be retained, any sections of hedgerow or trees to be removed.
- Measures for the protection of trees and hedges during construction work.

Requirement No. 4

Formally submit in writing details of the driveway construction, installation of services and service runs for approval by the Local Planning Authority in accordance with Condition 9

Time for Compliance:

Requirement Nos. 1, 2, 3 & 4

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: 24th January 2023

On behalf of: North East Lincolnshire Borough Council

Mark Nearney

Assistant Director of Housing, Highways and Infrastructure
North East Lincolnshire Borough Council
Municipal Offices
Town Hall Square
Grimsby
North East Lincolnshire
DN31 1HU

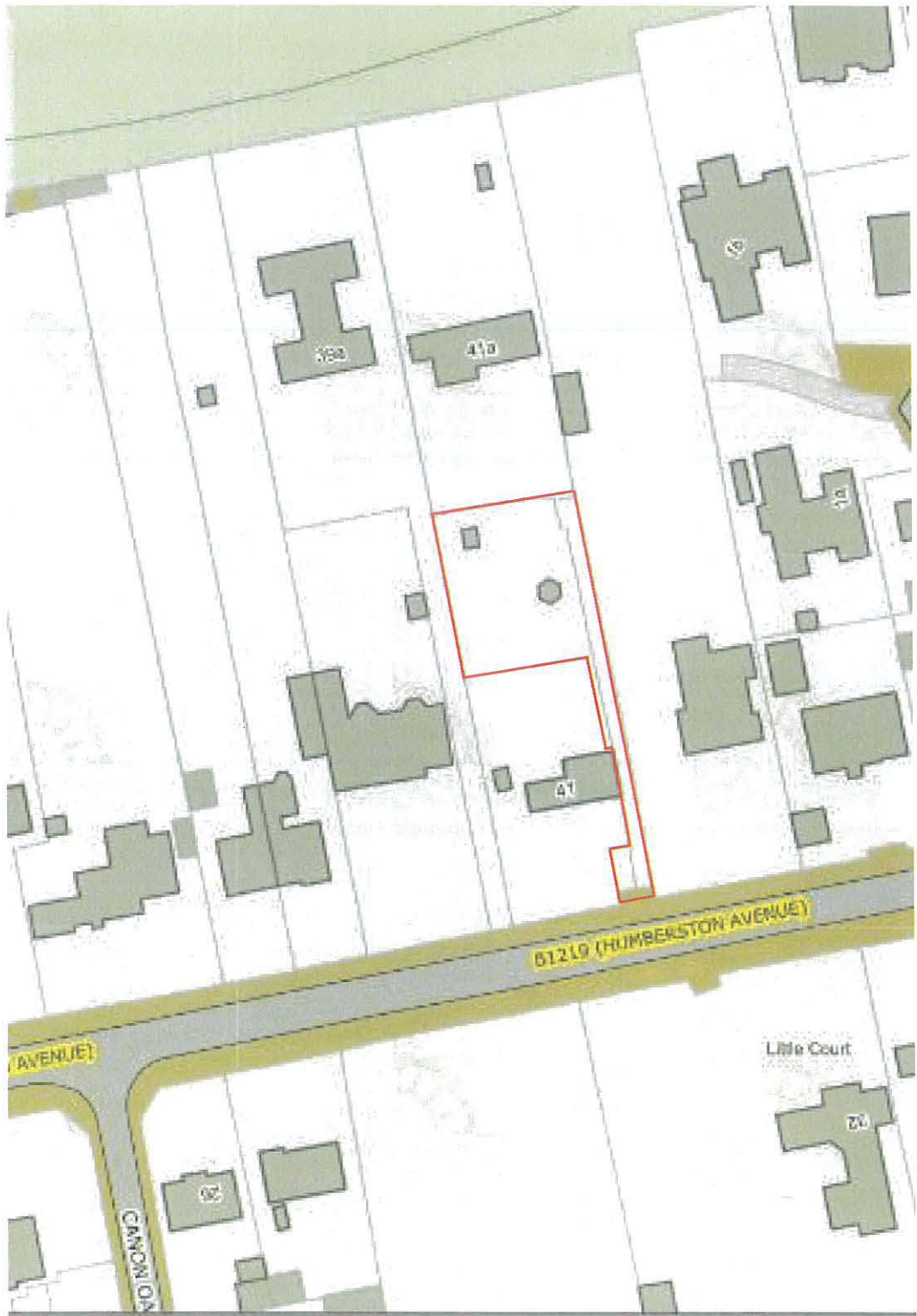
WARNING

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/0403/22/FUL

Issuing Authority: North East Lincolnshire Council

Applicant's Name and Address:	Agent's Name and Address:
Mr Mark Walker MK Motor Sport Unit 2 Jackson Place Wilton Road Grimsby DN36 4AS	Mr Matt Deakins Ross Davy Associates Pelham House 1 Grosvenor Street Grimsby DN32 0QH

Proposal: Variation of Condition 2 (Approved Plans) following DM/0887/19/FUL to amend design of dwelling

Application Site: 41 Humberston Avenue Humberston North East Lincolnshire DN36 4SW

The following decision has been made upon your application received on 9th May 2022.

Granted subject to: -

- 1 Condition
The development hereby permitted shall begin by 25th October 2024.

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:

RD5176-01D Proposed Plans and Elevations
19/176/0011 Site Location Plan
RD5176-03 Existing Site Plan
RD5176-04H Proposed Block Plan
19-176-0015 Rev A - Site Entrance Plan

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

- 3 Condition
The development shall be built out with the materials detailed on the approved plans and application forms unless otherwise approved in writing by the Local Planning Authority.
- Reason
To protect the visual amenity of the area in accordance with Policies 5 and 22 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018)
- 4 Condition
No development shall commence until a scheme for the sustainable provision of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be fully installed and made operational prior to the dwelling being first occupied and thereafter maintained.
- Reason
To prevent an increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal in accordance with Policy 33 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).
- 5 Condition
Prior to the development commencing, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in accordance with the approved details. The plan shall contain:
- Working hours;
 - Visitor and contractor parking areas;
 - Materials storage area;
 - Wheel cleaning facilities;
 - Noise, vibration and dust mitigation measures (both during demolition and construction);
 - Construction traffic management plan.
- 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 2013-2032 (adopted 2018).
- 6 Condition
A fire suppression sprinkler system, of current relevant British Standard, must be installed and approved by Building Regulations prior to occupation of the dwelling and retained as such thereafter.
- Reason
In the interests of amenity and safety in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).
- 7 Condition
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;
- (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;
- (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. The approved measures under section (c) above shall be fully installed prior to works commencing on the development and thereafter retained until the development is complete.

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 Policies 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

8 Condition

The scheme of landscaping and tree planting required through condition 7 of this planning permission shall be completed within a period of 12 months, beginning with the date on which development began or within such longer period as may be first agreed in writing by the Local Planning Authority. All planting shall be adequately maintained for 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.

Reason

To ensure a satisfactory appearance and setting for the development and continued maintenance of the approved landscaping in the interests of local amenity in accordance with Policies 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

9 Condition

Prior to the development commencing full details of the driveway construction, installation of services and service runs (services shall utilise the existing drainage run along the driveway), with particular regard to trees, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in strict accordance with the approved details only unless otherwise firstly approved in writing by the Local Planning Authority.

Reason

To protect the adjacent trees in accordance with Policies 5 and 42 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

- 10 Condition
The access and driveway works shall be in accordance with plan 19-176-0014 REV A (as approved under DM/0887/19/FUL) and development shall not begin until details showing the location, layout, design and method of construction of the new altered vehicular access have been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the details approved and the access and drive widths and in plot parking and turning areas shall be provided prior to the occupation of the dwelling and shall thereafter be so retained as shown on plan 19-176-0014 REV A.

Reason

To ensure adequate parking and turning facilities are provided within the site for highway safety reasons in accordance with Policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

- 11 Condition
Prior to occupation of the dwelling, final details of how water will be reused and recycled on site shall be submitted to and agreed in writing by the Local Planning Authority. Once approved, the details shall be adhered to at all times following first occupation of the dwelling.


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).

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).
- 2 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 seeking solutions to issues raised through the application process.
- 3 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.
- 4 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).

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: 12th August 2022