

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 ("the Council")

To: Medlock FRB Ltd, Greengate Street, Oldham OL4 1DG

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/1038/21/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 at (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 7th January 2002 as per approved planning application number DM/1038/21/FUL (attached hereto).

4. **The breach of conditions**

The following conditions have not been complied with:-

Condition 3

No demolition or construction work shall be carried out on or before 08:00 or after 18:00 Monday to Fridays inclusive, before 08:00 or after 13:00 on Saturdays and at any time Sundays or Bank Holidays.

Reason

To protect the amenities of nearby residents and in accordance with policy 5 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

Do not undertake any demolition or construction work before 08:00 or after 18:00 Monday to Fridays inclusive, before 08:00 or after 13:00 on Saturdays and at any time Sundays or Bank Holidays

Time for Compliance:

Requirement

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: 25th May 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/1038/21/FUL

Issuing Authority: North East Lincolnshire Council

Applicant's Name and Address: Mr Gerard Tempest Bourne Leisure Group Ltd 1 Park Lane Hemel Hempstead HP2 4YL	Agent's Name and Address: Mr Casey Smith Lichfields 3rd Floor 15 St Paul's Street Leeds LS1 2JG
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Proposal: Extension and refurbishment of the Marina Show Bar with associated infrastructure, landscaping and drainage works

Application Site: Thorpe Park Holiday Camp Anthonys Bank Road Humberston North East Lincolnshire

The following decision has been made upon your application received on 12th October 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:

Site Location Plan - 3132.5.10
Existing Block Plan - 3132.5.02
Proposed Block Plan - 3131.5.10
Existing Floor Plans - 3132.5.03
Existing Rood Plan - 3132.5.04
Existing Elevations - 3132.5.05 A
Existing Site Sections - 3132.5.06
Proposed Floor Plans - 3132.5.10
Proposed Roof Plan - 3132.5.11

Proposed Elevations - 3132.5.13 A
Proposed Elevations - 3132.5.14 A

Reason

For the avoidance of doubt in the interests of proper planning and in accordance with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

3 Condition

No demolition or construction work shall be carried out on or before 08:00 or after 18:00 Mondays to Fridays inclusive, before 08:00 or after 13:00 on Saturdays and at any time on Sundays or Bank Holidays.

Reason

To protect the amenities of nearby residents and in accordance with policy 5 of the North East Lincolnshire Local Plan 2013-2032 (adopted 2018).

4 Condition

No works that could either disturb bats or damage/destroy the known bat roost (breeding site or resting place) will commence at all elevations of the Show Bar building, until a European Protected Species (EPS) mitigation licence is obtained from Natural England and thereafter forwarded to the Local Planning Authority. All works in the vicinity of the bat roost feature will be agreed with the supervising ecologist before commencement. Details of such agreement shall be made available to the Local Planning Authority on request.

Reason

In the interests of ecology and to accord with Policy 41 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 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 policies 5, 12, 22, 39 and 41.

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 adding a condition for amenity.

3 Informative

The use of sustainable surface water drainage arrangements such as a soakaway are encouraged on a proposal of this nature.

Please refer to the drainage officers comments.

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)

5 Adequate provision of access for fire services and water supplies for fire fighting should be provided.

Please see the Humberside Fire and Rescue Officers comments for more details.

6 The use of flood resistance and resilience measures should be used on the site.

Please see the Environment Agencies comments for further detail.

7 Informative

The survey of the structure/building for bat roosts must only be carried out by persons licensed to do so under the provisions of the Wildlife and Countryside Act 1981. You are advised to contact the Council Ecology Officer for further advice on this matter if required.

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: 7th January 2022



Enter map title



N Scale: 1:2500



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