

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990 ("the Act")

(as amended by the Planning and Compensation Act 1991)

BREACH OF CONDITION NOTICE

SERVED BY: Hinckley & Bosworth Borough Council herein referred to as "the Council"

To: The Company Secretary, Opal Homes Limited, Kingsley Hall, Stretton Road, Great Glen, Leicester, LE8 9GP

1. THIS NOTICE is served by the Council, under section 187A of the above Act, because they consider that a condition imposed on a grant of planning permission, relating to the land described in paragraph 2 below, has not been complied with. The Council consider that you should be required to comply with the condition as specified in this notice. The Annex at the end of this notice contains important additional information.

2. THE LAND TO WHICH THE NOTICE RELATES

Land at St Marys Court, Barwell, LE9 8DF, shown edged in red on the attached plan.

3. THE RELEVANT PLANNING PERMISSION

The relevant planning permission to which this notice relates was granted on 19 December 2016 under reference 16/00966/OUT.

4. THE BREACH OF CONDITION

The following condition has not been complied with:

15 "No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and timetable".

Specifically in relation to the Construction Traffic Management Plan submitted by Agility Planning & Design dated February 2019 (Revised) and received by the Local Planning Authority on 4 June 2019 and subsequently approved on 6 June 2019; the following parts of the Construction Management Plan are not being complied with.

- (1) 3.3 It is recommended that the main contractor ensures that construction vehicle movements are co-ordinated to avoid peak periods. It is recognised that St Marys Court is a residential road that may have parked vehicles on the on-street and minor congestion in the immediate area during the 'highway' peak periods. Therefore, the main contractor should seek to ensure that construction vehicle movements take place outside of the AM (07:30 – 09:00 hours) and PM (17:00 – 18:00 hours).
- (2) 4.2 The main contractor will direct arriving vehicles to appropriate unloading and parking areas within the site and advise drivers of the appropriate HGV routes to be used as they leave the site.
- (3) 4.3 Appropriate direction and warning signs will be displayed at the site entrance to advise all drivers of site-specific traffic management in operation. Signs will also be placed at the site egress to remind HGV delivery drivers of the appropriate routes to be taken on departure.
- (4) 4.5 Sufficient manoeuvring space will be provided within the site to enable all vehicles to enter and leave the site travelling in a forward gear.
- (5) 4.6 A temporary area will be designated for construction operatives to park their vehicles onsite to ensure that no vehicles are parked on St Marys Court. The location of the onsite parking may vary depending upon the phase of construction.
- (6) 4.7 Access to a water supply will be available on site during construction and be used to connect a jet wash which will be located at the entrance/exit of the site in accordance with standard highway authority requirements. It will be used for wheel washing, axle and suspension cleaning to all construction vehicles to the site.
- (7) 4.9 Haulage contractors will be required to cover/sheet any loads transported to/from the site that have the potential to spread spoil, dust or other debris onto the public highway. During the summary period (and when appropriate), a dust net will be used within the boundary of the site to minimise impacts of dust to adjoining residents. This will be located around the perimeter of the site, where appropriate.

5. WHAT YOU ARE REQUIRED TO DO

As the person in control of the land you are in breach of the condition specified in paragraph 4 of this notice, in so far as you are not carrying out the development in accordance with the Construction Traffic Management Plan as required by the condition specified in paragraph 4 and you are required to comply with the stated condition by undertaking or by requiring the undertaking of those matters set out in the said paragraph 4

Period for compliance: 30 Days

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect immediately it is served on you or you receive it by postal delivery

Dated:

20/02/20

Signed:

Nicola Smith

Nicola Smith

Planning Manager (Development Management)

On behalf of:

Hinckley & Bosworth Borough Council

Hinckley Hub

Rugby Road

Hinckley

Leicestershire

LE10 0FR

ANNEX

WARNING

THERE IS NO RIGHT OF APPEAL TO THE SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT AGAINST THIS NOTICE.

It is an offence to contravene the requirements 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 Charlie Jones at Hinckley & Bosworth Borough Council, Hinckley Hub, Rugby Road, Hinckley, Leicestershire, LE10 0FR (Tel: 01455 238141)

If you do 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.

Breach of Condition Notice Location Plan

Not Set



Scale: 1:1,250

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Organisation	Hinckley and Bosworth BC
Department	
Comments	Not Set
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