

## THURSTON PARISH COUNCIL

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The following paper was submitted by the Clerk to the Parish Council at its meeting of 4<sup>th</sup> May 2022

### **Agenda Item: 11c – PART - To consider the proposal to remove the temporary bottle bins that are located in the bottom car park of the New Green Centre.**

#### **Background Information:**

1. 12.04.22 - Enforcement Case opened by MSDC - EN/22/00158 - New Green Community Centre - Alleged - Non-compliance with Condition 2, 3 & 5 under Planning Permission DC/21/02655 - Not in compliance with approved plans, bin area not secured out of hours and acoustic fence has not been erected. Case Officer claim was based on representations that had been received by the Council regarding the alleged breach of planning control detailed above. The Case Officer had completed her investigation and now write to confirm the Council's position on the matter.
2. **Decision of MSDC was that the Parish Council "is therefore required to cease the use of the site as a glass recycling centre and remove the red bins provided within 14 days from the date of this email. Please ensure this use does not recommence until you are able to comply with the conditions of your planning decision."**
3. 14.04.22 - Clerk's explanation that the red wheelie bins were a temporary solution and commencement of the development under DC/21/02655 was not due until May 2022, was accepted by the Enforcement case Officer and the case was closed.
4. 28.04.22 – Senior Environment Protection Officer – has emailed the Council indicating that he is looking into the ongoing noise complaints relating to the glass bins that the Parish Council has located along the edge of the carpark opposite New Green Community Centre. He has raised this matter with both the Planning Officer and Planning Enforcement as the location and type of bins are in clear breach of the planning permission granted.
5. 30.04.22 – Clerk has spoken to the Officer who has confirmed that given the level of noise and complaints received he is considering issuing an **Abatement Notice to have the bins removed to prevent their use until the installation has been built and compliant with the conditions of the planning application.**

#### **Action for Council to consider:**

1. **To approve the request by the Clerk to seek the removal of the temporary bottle bins that are located in the bottom car park of the New Green Centre due to noise complaints and compliancy issues with Planning Permission DC/21/02655.**

#### **Failure to act:**

Should Council not approve this decision then it is likely that a noise abatement notice will be served on either the Parish Council or the actual Landowner. The likelihood of the action being taken by MSDC is considered to be high and the impact is considered to be noticeable. The temporary solution has no means by which mitigation measures for the noise can be imposed and can be considered.