



BOSTON BOROUGH COUNCIL

Town and Country Planning Act 1990

APPLICATION DECISION NOTICE

Application Reference: B/13/0033

Applicant: Mr David Matheson
Tawny House
Main Road
Holland Fen
Boston
Lincolnshire
LN4 4QH

Agent:

In pursuance of the powers exercised by it as Planning Authority, Boston Borough Council, having considered your application to carry out the following development:-

Application under s.73 for variation of condition 9 attached to planning permission B/09/0238 (single storey dwelling and garage) in order to change the design and height of the approved bungalow, extend its depth and add a porch to the west side at Plot 3, Land adjacent to 114 Sleaford Road, Boston, Lincolnshire, PE21 7PE

And in accordance with this notice and the particulars given in the application, do hereby give notice of its decision to **GRANT Full Planning Permission** for the said development subject to **compliance with the following condition(s):-**

1. The construction of the dwelling hereby approved shall not commence above slab level until details of the materials proposed to be used in the construction of the external surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In accordance with the applicants stated intentions, to ensure that the new dwelling is in keeping with the character of the locality and to accord with Adopted Local Plan Policy G1 and H3.

2. The development permitted by this planning application shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) undertaken by White Lodge and dated August 2009. In particular, the finished floor levels shall be set at 2.95 metres above Ordnance Datum.

Reason: To reduce the risk and impact of flooding on the development and future occupants in accordance with saved Policy G1 of the Adopted Plan, Policy F1 of the Interim Plan and National Policy contained within the National Planning Policy Framework (2012).

3. Notwithstanding the provisions of the Town And Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no extensions shall be carried out to the

dwelling or rooflights or dormer windows inserted without the express consent of the Local Planning Authority.

Reason: In the interests of the visual amenity of the locality, to protect the amenity of adjoining residents and in accordance with Adopted Local Plan Policy G1 and Interim Plan Policy G1.

4. All landscape works shown on drawing ref: 'Landscape Details' 1:200 (1/4) shall be carried out in accordance with the approved details within 6 months of the date of the first occupation of any building or completion of development whichever is the sooner. Any trees, plants, grassed areas which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the first available planting season with others of similar size species or quality.

Reason: In the interests of visual amenity and in accordance with Section 197 of the 1990 Act which requires Local Planning Authorities to ensure, where appropriate, adequate provision is made for the preservation or planting of trees, and to ensure that the approved scheme is implemented satisfactorily. The condition accords with Adopted Local Plan Policies G1 and H3 and Interim Plan Policy G1.

5. The development hereby permitted shall be carried out in strict accordance with the submitted application and in accordance with the associated plans referenced: -

Drawing ref: 'Landscape Details/Plot 3 - Proposed s.73 layout' received by the Local planning Authority 16 Jan 2013 (1/4)

Drawing ref: 'Layout Plan' received by the Local planning Authority 14 Jan 2013 (2/4)

Drawing ref: 'Elevations' received by the Local planning Authority 22 Feb 2013 (3a/4)

Drawing ref: 'Elevations' received by the Local planning Authority 22 Feb 2013 (4a/4)

Reason: To ensure the development is undertaken in accordance with the approved details, in the interest of residential amenity and to comply with saved Policy G1 of the Adopted Plan and Policy G1 of the Interim Plan.

Reason(s) for Granting Planning Permission:-

Planning Permission has been granted as the application site lies within the built-up area of Boston and there are no other matters of acknowledged importance which would warrant a refusal of planning permission. The revised design is considered to be appropriate to the site and subject to conditions would not undermine the character of the area or harm residential amenity. The proposal is also acceptable in flood risk terms and would pose no substantial harm to highway safety. The proposal therefore accords with the objectives of Local Plan Policies G1, G3, G6, H2 and H3 and Interim Plan policies G1, H6 and H8.

The statutory development plan for Boston Borough comprises the East Midlands Regional Plan March 2009 and the saved policies of the Boston Borough Local Plan April 1999.

The relevant policies in the grant of this permission are:

Boston Borough Local Plan

- Policy G1 - Amenity
- Policy G6 - Vehicular and Pedestrian Access
- Policy G3 - Surface and Foul Water Disposal

- Policy H2 - Windfall Housing Development
- Policy H3 - Quality of Housing Developments

In determining this application the authority has taken account of the guidance in paras 186 – 187 of the NPPF (2012) in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

B/13/0033

Dated: 18-Mar-2013

A handwritten signature in black ink, appearing to read 'Paul Edwards'.

Paul Edwards
Development Control Manager



IMPORTANT NOTES

This consent does not constitute permission under the Party Wall etc Act 1996, nor any Building Regulations approval under the Building Act 1984.

We may have attached other documents or copy letters to this decision notice. While these do not form part of the Council's formal decision they should be used or read in conjunction with it. They contain useful or essential information, which you require to be aware of and may necessitate further actions on your part.

PLANNING APPEALS

If you are aggrieved by the decision or any of the conditions attached to a consent you may pursue an appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990. However, it is suggested that you speak, in the first instance, to the Planning Officer who dealt with your application for further advice.

If you want to appeal, forms are available from the Planning Inspectorate, Room 3/15a Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN Tel: (0117) 3726372 or (0117) 3726027, you can also submit your appeal online at www.planningportal.gov.uk.

For a householder planning application you must appeal within **12 weeks** of the date on the decision notice. For all other types of planning application then you must do so within **6 months** of the date of the decision notice.

The Secretary of State can allow a longer period for giving notice of an appeal but he will not normally be prepared to 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 him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

PURCHASE NOTICE

If either the Local Planning Authority or the Secretary of State for the Environment refused permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonable beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

PROPOSED DEMOLITION

The provisions of Section 80 of the Building Act 1984 require that anyone who intends to demolish a building or structure shall give notice to the Council's Building Control department (01205 314295) beforehand, and work shall not commence until the Local Authority have given Notice under Section 81, or the relevant period of 6 weeks has expired.

THIS IS A LEGAL DOCUMENT - PLEASE RETAIN IN A SAFE PLACE, PREFERABLY WITH YOUR DEEDS