



B O S T O N BOROUGH COUNCIL

Municipal Buildings, West Street, Boston, Lincolnshire, PE21 8QR

Town and Country Planning Act 1990

APPLICATION DECISION NOTICE

Application Reference: B/21/0303

Applicant: Mr Tetther
24 Thorne Way
Kirton
Boston
PE20 1JP

Agent: Mr Lee Chapman
LPC Architectural Design
80, Parthian Avenue
Wyberton
Boston
PE21 7DQ

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 for approval of Reserved Matters inc Access, Appearance, Landscaping, Layout and Scale following outline approval B/20/0448 (Outline planning application for one dwelling with all matters reserved) at Land adj to Parsley Cottage, Drainside South, Kirton, Boston PE20 1PZ

and in accordance with this notice and the particulars given in the application, do hereby give notice of its decision to **GRANT Reserved Matters** for the said development subject to **compliance with the following conditions(s):-**

1. The development hereby approved shall be carried out in accordance with the approved plans referenced:
 - Site Location Plan – Drawing no. LPC-276-01 received 24th June 2021
 - Proposed Site Plan – Drawing no. LPC-276-02 Rev F received 31st August 2021
 - Proposed Elevations – Drawing no. LPC-276-04 Rev F received 31st August 2021
 - Proposed Floor Layouts – Drawing no. LPC-276-03 Rev E received 31st August 2021

Reason: To ensure the development is undertaken in accordance with the approved details, in accordance with Policies 2, 3, and 4 of the South East Lincolnshire Local Plan (2011- 2036) and with the intentions of the National Planning Policy Framework (2021).

2. The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment, RM Associates October 2020 V1, and drawing 'LPC-276-04-Elevations-Rev F detailing the following mitigation:
 - Minimum two storey development with bedrooms at first floor level
 - All 'habitable' accommodation set no lower than 1.8m above ground level
 - Flood resilience and resistance measures to be incorporated into the proposed development as stated
 - Occupants to sign up to the Environment Agency Flood Warning Service

The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.

Reason: To reduce the risk of flooding to the proposed development and future occupants. This condition is in accordance with the requirements of Policy 4 of the South East Lincolnshire Local Plan (2011-2036).

3. The existing hedge along the southern boundary of the site shall not be removed other than is necessary to facilitate the provision of the means of access to the site. In the event of the existing hedge being removed or dying, it shall be replaced to a specification that shall first have been approved in writing by the Local Planning Authority and maintained by the owners of the land for the period of 5 years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason: To ensure the protection of the existing hedge and in the interests of the visual amenity and the character of the area in which it is set having regard to Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

4. No development shall take place until full details of hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be carried out in accordance with the approved details. The scheme shall include
 - a) boundary treatment
 - b) hard surface materials
 - c) minor structures
 - d) planting schedules (species, sizes densities)
 - e) existing trees to be retained/removed

Reason: In the interests of visual amenity and in accordance with Section 197 of the Town and Country Planning Act 1990 and in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

5. All landscape works 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 five 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 Town and Country Planning Act 1990 and in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

6. No development above damp proof course shall take place 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: To ensure that the new building is in keeping with the character of the building / area in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

In determining this application the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2021 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

Dated: 16 September 2021



Mike Gildersleeves
Assistant Director – Planning
Boston Borough Council and East Lindsey District Council

Informatives:

1. The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. For application guidance, approval and specification details, please visit <https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb> or contact vehiclecrossings@lincolnshire.gov.uk
2. Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit our website via the following links: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management> Licences and Permits - <https://www.lincolnshire.gov.uk/licences-permits>
3. Please note the response from Black Sluice Internal Drainage Board received on the 3rd August 2021.
4. Please ensure that the conditions attached to the outline permission B/20/0448 are referred to and complied with before work commences.



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 Communities and Local Government 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 you can do so online at www.gov.uk/appeal-planning-decision, however, if you wish to apply by post the address is: The Planning Inspectorate, Room 3/13, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

The Planning Inspectorate customer support team: 0303 444 5000

Email: enquiries@pins.gsi.gov.uk

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 Communities and Local Government 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