



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/22/0116

Applicant: Mr & Mrs S Mackay
Land at Chapel Road
Old Leake
Boston
PE22 9PP

Agent: Mr Adrian Fox
AF Architecture
65 Robin Hoods Walk
Boston
PE21 9EX

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 s73 for the variation of condition 12 (Garage) to allow the temporary siting of a static caravan until dwelling is built of planning permission B/21/0197 at Land at Chapel Road, Old Leake, Boston, PE22 9PP

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 development hereby permitted shall be begun before the expiration of the previous permission reference B/21/0197.

Reason: To ensure this approval ties in with the time limit of the original permission which was required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in strict accordance with the applications received on 22-Apr-2021 (B/21/0197) and 17-Mar-2022 (B/22/0116) and in accordance with the associated plans referenced:

- 21/198-EX-01 A Existing OS Location and Block Plans;
- 21/198/Pr-01 Rev A Proposed Block Plan;
- 21/198/Pr-02 Rev D Proposed Site Plan;
- 21/198/Pr-03 Rev B Proposed Floor Plans;
- 21/198Pr-04 Rev A Proposed Sections and Roof Plans;
- 21/198/Pr-05 Rev B Proposed Elevations;
- 21/198/Pr-06 Proposed Garage; and
- 21/198/Pr-10 Static Caravan (Temp Accommodation) Plans and Elevations.

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).



3. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) AF Architecture, March 2021 and the following mitigation measures detailed within the FRA:
- Raise finished floor level of the new proposed dwelling 0.5m above ground to 2.5m AOD;
 - Demountable flood barriers to a height of 600mm above finished floor levels shall be fitted on all external doorways;
 - Flood resilient construction techniques shall be incorporated to a minimum height of 300mm above predicted flood depth.

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

Reason: To reduce the risk of flooding to the proposed development and future occupants, in addition to providing the appropriate level of protection in accordance with the National Planning Policy Framework (2021) and Policies 2 and 4 of the South East Lincolnshire Plan (2011- 2036).

4. The development shall be carried out in accordance with the scheme for disposal of foul and surface water submitted under B/22/0197/CD1 on 17/3/22 and contained within 'Information for Discharge of Conditions' produced by AF Architecture, unless alternative details are submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water in accordance with the requirements of Policies 2 and 4 of the South East Lincolnshire Local Plan (2011-2036).

5. The development shall be carried out in accordance with the Biodiversity Enhancement Plan, by Inspired Ecology, submitted under B/22/0197/CD1, received 17/3/22, unless alternative details are submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of the natural environment in accordance with Policy 28 of the South East Lincolnshire Local Plan (2011-2036)

6. The development hereby approved shall be carried out in full accordance with the precautionary measures (including their timetable for implementation) detailed within the approved Ecology and Protected Species Survey (Inspired Ecology Ltd, May 2021) in regard to bats, birds, amphibians, reptiles, badgers, other ground mammals, water voles and removing Cotoneaster specimen from the site during the construction of the approved development.

Reason: In the interests of the natural environment in accordance with Policy 28 of the South East Lincolnshire Local Plan (2011-2036).

7. If development has not commenced within 12 months of the date of this permission, prior to the commencement of development the building(s) shall be re-surveyed for the presence of protected species and if present, a scheme of mitigation shall be submitted to the Local Planning Authority for approval in writing. The development shall be undertaken in accordance with the scheme of mitigation.

Reason: In the interests of protected species and to accord with the Wildlife and Countryside Act 1981 (as amended), the National Planning Policy Framework (2021) and Policy 28 of the South East Lincolnshire Local Plan (2011-2036).

8. The development shall be carried out in accordance with details of the design and materials to be used for the external walls, windows, doors and rainwater goods contained within 'Information for Discharge of Conditions' produced by AF architecture and received 17/3/22 under B/22/0197/CD1.

Reason: To ensure the new building is in keeping with the character of the area in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036)

9. The proposed gates to the new dwelling on Chapel Road are to be set back 5.0 metres from the nearside carriageway edge to ensure calling vehicles can manoeuvre off the highway without causing an obstruction to other highway users when opening the gates.

Reason: In the interests of highway safety in accordance with Policy 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

10. The water consumption of the dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and Policy 31 of the South East Lincolnshire Local Plan (2011-2036).

The person carrying out the work must inform the Building Control Body that this duty applies.

A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of each individual dwelling.

Reason: To protect the quality and quantity of water resources available to the district. This condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan (2011-2036).

11. The static caravan shown on Drawing No. 21/198/Pr-02 Revision D (Proposed Site Plan) and Drawing No. 21/198/Pr-10 (Static Caravan (Temp Accommodation) Plans and Elevations) shall be removed from the site upon occupation of the dwelling.

Reason: To prevent an unacceptable form of permanent residential development that would detract from the character of the area, in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2011-2036.

12. If, during development, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure all contamination within the site is dealt with in accordance with Policy 30 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.

Date: 23-May-2022



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

Informatives:

1. The Witham Fourth District Internal Drainage Board indicates that:
 - the Board's Byelaw consent is required to directly discharge surface water to a watercourse (open or piped). A surface water development contribution (SWDC) will be charged on all rates of discharges. Please refer to the Board's Development & Consent Control Guidance for more information: <https://www.w4idb.co.uk/resources/document-library/consent-forms-and-guidance/>
 - Board's Byelaw consent is required to discharge treated water to a watercourse (open or piped)
 - Board's Section 23 consent is required to culvert, pipe, or bridge any watercourse riparian or Board maintained
 - if there is any change to the surface water or treated water disposal as stated in the application, please contact the Board to discuss the new arrangements.

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- **If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice**, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- **If an enforcement notice is served relating to the same or substantially the same land and development as in your application** and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- **If this is a decision to refuse planning permission for a householder application**, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- **If this is a decision to refuse planning permission for a minor commercial application**, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- **If this is a decision to refuse express consent for the display of an advertisement**, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
- **If this is a decision to refuse consent for works to a tree protected by a Tree Preservation Order**, if you want to appeal against your local planning authority's decision then you must do so within 28 days of the date of this notice.
- **For all other decisions**, if you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but 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 the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- **If you intend to submit an appeal** that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)
- **Proposed Demolition** - The provision 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 has 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