



# B O S T O N BOROUGH COUNCIL

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

## Town and Country Planning Act 1990

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### APPLICATION DECISION NOTICE

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**Application Reference: B/22/0516**

**Applicant:** Mr Simon Collingwood  
Jasmine House  
Asperton Road  
Wigtoft  
Boston  
PE20 2PJ

**Agent:** Mr Chris Brearley  
Archi-Scape Ltd  
123 Beach Road, Hartford  
Northwich  
CW8 3AB

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

**Approval of reserved matters (Access, Appearance, Landscaping, Layout and Scale) following outline approval B/19/0457 (Outline planning permission for residential development (up to 9 dwellings) with all matters reserved for later approval) at Jasmine House, Asperton Road, Wigtoft, Boston PE20 2PJ**

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 permitted must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall only be undertaken in accordance with the following approved plans:

- Drawing 16013-002-01 Rev B Location Plan Site B received by the LPA on 12-Dec-2022
- Drawing SC.ARW.AL.01 Ancillary Layout received by the LPA on 20-Jan-2023
- Drawing SC.ARW.CMP.01 Construction Management Plan received by the LPA on 12-Dec-2022
- Drawing SC.ARW.CSL.01 Coloured Site Layout Plan received by the LPA on 12-Dec-2022
- Drawing SC.ARW.HP.01 Highway Plan received by the LPA on 20-Jan-2023
- Drawing SC.ARW.HSL.01 Hard & Soft Landscaping Plan received by the LPA on 12-Dec-2022
- Drawing SC.ARW.HT-01.ELE.01 Housetype 01 Front Elevation received by the LPA on 12-Dec-2022
- Drawing SC.ARW.HT-01.ELE.02 Housetype 01 Elevations received by the LPA on 12-Dec-2022
- Drawing SC.ARW.HT-01.FP.0 Housetype 01 Floor Plans received by the LPA on 12-Dec-2022
- Drawing SC.ARW.HT-02.ELE.01 Housetype 02 Front Elevation received by the LPA on 12-Dec-2022



- Drawing SC.ARW.HT-02.ELE.02 Housetype 02 Elevations received by the LPA on 12-Dec-2022
- Drawing SC.ARW.HT-02.FP.01 Housetype 02 Floor Plans received by the LPA on 12-Dec-2022
- Drawing SC.ARW.HT-03.ELE.01 Housetype 03 Front Elevation received by the LPA on 12-Dec-2022
- Drawing SC.ARW.HT-03.ELE.02 Housetype 03 Elevations received by the LPA on 12-Dec-2022
- Drawing SC.ARW.HT-03.FP.01 Housetype 03 Floor Plans received by the LPA on 12-Dec-2022
- Drawing SC.ARW.HT-04.ELE.01 Housetype 04 Front Elevation received by the LPA on 12-Dec-2022
- Drawing SC.ARW.HT-04.ELE.02 Housetype 04 Elevations received by the LPA on 12-Dec-2022
- Drawing SC.ARW.HT-04.FP.01 Housetype 04 Floor Plans received by the LPA on 12-Dec-2022
- Drawing SC.ARW.SL.01 Site Layout received by the LPA on 20-Jan-2023
- Drawing SC.ARW.SS-01 Street Scenes received by the LPA on 12-Dec-2023

Reason: To ensure that the development is undertaken in accordance with the approved details, in the interests of residential amenity and to comply with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

3. Notwithstanding the approved plans, prior to any works above slab level plans showing fixed glazed windows and mechanical ventilation for any bedrooms facing onto Main Road and for rear first floor bedrooms on the dwellings sited on plots 1 and 9 as shown on approved layout drawing SC.ARW.SL.01 Site Layout received by the LPA on 20-Jan-2023. The development shall be implemented in strict accordance with the details so approved which shall thereafter be so retained.

Reason: In the interests of the residential amenities of occupants of the site and to mitigate the impacts of external noise, and to accord with policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

4. Notwithstanding the approved plans, prior to any works above slab level plans showing the incorporation of the recommendations in the Noise Impact Assessment forming part of the approved application and received by the LPA on 2—Jan-2023 relating to the glazing of living rooms and remaining bedrooms (5.2.4), and the installation of acoustic fencing to reduce noise levels in ground floor rooms and gardens (6.1.4) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the details so approved which shall thereafter be so retained.

Reason: In the interests of the residential amenities of occupants of the site and to mitigate the impacts of external noise, and to accord with policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

5. Notwithstanding the approved plans, prior to any works above slab level, full details of the proposed means of foul and surface water disposal to separate systems shall be submitted to and approved in writing by the Local Planning Authority and the details so approved shall be implemented in full before there are any flows into the receiving systems.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework 2021.

6. Where trees are shown on drawing SC.ARW.HSL.01 Hard & Soft Landscaping Plan received by the LPA on 12-Dec-2022 to be retained on site they shall be protected prior to and during construction work as follows:

- i) tree protection measures shall be provided around the trees to be retained before any development is commenced at a minimum distance from the trunks equal to the spread of the crowns of the trees.
- ii) No materials, equipment, site huts, fuels or other items shall be placed or stored within the areas enclosed by the fencing so erected and the ground levels within those areas shall not be altered, nor shall any excavation be made

- iii) no burning of materials or other items shall take place within 3 metres of the crown spread of any of the trees to be retained;
- iv) no services shall be routed under the spread of the crowns of the trees to be retained;
- v) no retained tree shall be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority;
- vi) if any tree which is to be retained dies or is to be removed it shall be replaced within six months thereafter with a tree of such size and species which shall be first be agreed in writing by the Local Planning Authority.

Reason: To ensure the protection of trees on the site in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework, 2021.

7. The scheme of landscaping and tree planting shown on drawing SC.ARW.HSL.01 Hard & Soft Landscaping Plan received by the LPA on 12-Dec-2022 shall be carried out and completed in its entirety during the first planting season following completion of the development. All trees, shrubs and bushes shall be maintained for the period of five 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 that the development is adequately landscaped, in the interests of its visual amenity and character in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

8. Prior to any works above slab level on the development hereby approved a schedule of external materials and hard surfaced areas according with the indicative palette shown in the approved document Design Justification Statement received by the LPA on 12-Dec-2022 shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, the development shall be constructed in accordance with the materials so approved.

Reason: In the interests of the appearance and character of the development and the visual amenity of the area including Wigtoft Conservation Area in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019.

9. Three swift nest bricks shall be incorporated within the external walls of each dwelling hereby approved and shall be retained thereafter.

Reason: In the interests of biodiversity and in accordance with Policy 28 of the South East Lincolnshire Local Plan 2019.

10. The development hereby permitted shall not be occupied before a footway with pedestrian crossing points, to connect the development to the existing footway network, has been provided in accordance with details that shall first have been submitted to, and approved in writing by the Local Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway.

Reason: To ensure the provision of safe and adequate pedestrian access to the permitted Development without increasing flood risk to the highway and adjacent land and property and to accord with policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

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.



**Mike Gildersleeves**

**Assistant Director – Planning & Strategic Infrastructure**

**Boston Borough Council, East Lindsey District Council and South Holland District Council**

**Informatives**

1. The applicant should note that in addition to the conditions imposed as part of this reserved matters consent, planning conditions imposed on outline planning permission B/19/0457 remain in force including pre-commencement conditions relating to potential contaminated land and construction management plan. The applicant is advised to ensure that all conditions relating to the site are satisfied.
2. In accordance with Section 59 of the Highways Act 1980, please be considerate of causing damage to the existing highway during construction and implement mitigation measures as necessary. Should extraordinary expenses be incurred by the Highway Authority in maintaining the highway by reason of damage caused by construction traffic, the Highway Authority may seek to recover these expenses from the developer.
3. 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. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on our website, accessible via the following link:  
<https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>.
4. Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences 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 link: Traffic Management -  
<https://www.lincolnshire.gov.uk/traffic-management>
5. The road serving the permitted development is approved as a private road which will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980). As such, the liability for the future maintenance of the road will rest with those who gain access to their property from it.
6. Where a footway is to be constructed on private land, that land must be dedicated to the Highway Authority as public highway.

## IMPORTANT NOTES

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.

### Building Act 1984

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

- 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.
- **Before you dig** – we recommend that you use the Free Enquiry service – [www.LSBUD.co.uk](http://www.LSBUD.co.uk) – this site allows you to submit enquiries about activities and work that you are planning, which may have an impact on National Grid Gas and Electricity Transmission Network and other utilities.

### 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 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. Further information is available online at [www.gov.uk/appeal-planning-decision](http://www.gov.uk/appeal-planning-decision).
- Appeals can be made online at [www.gov.uk/planning-inspectorate](http://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](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. [www.gov.uk/government/collections/casework-dealt-with-by-inquiries](http://www.gov.uk/government/collections/casework-dealt-with-by-inquiries)

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