



# 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/24/0036**

Applicant: Mr Paul Wilkinson  
Wilkinson Properties Boston Ltd

Agent: Mr Ben Gibson  
BG Planning  
20 Moor Road  
Leeds  
LS6 4BJ

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 to vary Condition 2 (Plans) of planning permission B/22/0192 at Land off Fellands Gate, Old Leake, Boston PE22 9PN**

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 only be undertaken in accordance with the following approved plans;
  - Drawing No. P21-0483.006 Landscape Masterplan
  - Drawing No. P21-0483.007 Floor Plan and Elevations (19.05.23)
  - Location Plan P21-0483.005
  - Proposed Layout and Elevations 23/FGPC/01

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.

2. The development hereby approved shall be undertaken in accordance with the Construction Management Plan approved under B/22/0192/CD1.

Reason: In the interests of the amenity of local residents in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.



3. The passing places provided as approved under B/22/0192/CD3 shall thereafter be maintained and retained in perpetuity.

Reason: To ensure the provision of safe and adequate access to the development in accordance with Policy 2 and 3 of the South East Lincolnshire Local Plan 2019.

4. All obstructions exceeding 0.6m high shall be cleared from the land within the visibility splays illustrated on drawing number SK01 dated 18 July 2022 and thereafter, the visibility splays shall be kept free of obstructions exceeding 0.6m in height.

Reason: In the interests of ensuring sufficient visibility when accessing and 11 egressing the site, in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

5. The development hereby approved shall be undertaken in accordance with the lighting scheme agreed under B/22/0192/CD2.

Reason: In the interests of the character and amenity of the locality, in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

6. The development hereby approved shall be undertaken in accordance with the biodiversity measures approved under B/22/0192/CD2 and shall be maintained thereafter.

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

7. The development hereby approved shall be undertaken in accordance with the Site Management Plan agreed under B/22/0192/CD2.

The holiday accommodation shall only be operated at times when the Site Management Plan is in force and the Site Management Plan shall be adhered to in perpetuity.

Reason: To ensure that the use of the site for tourism purposes would not cause undue noise and disturbance to neighbouring properties, and to ensure that any paraphernalia associated with the tourism use would not have any adverse visual impact, in line with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan 2019.

8. The accommodation hereby permitted shall only be occupied between 15 March and 31 October in any year.

Reason: To ensure the glamping pods are not occupied during winter months when the risk of tidal flooding is at its highest, to reduce the risk of loss of life during a flood event, in accordance with Policy 4 of the South East Lincolnshire Local Plan 2019 and paragraph 167 of the National Planning Policy Framework 2021.

9. The accommodation hereby permitted shall not be used for purposes other than as holiday accommodation. The accommodation shall not be used as the main residence of any occupant.

Reason: To ensure that the development is restricted to holiday use only and that the accommodation is not used for residential purposes in accordance with the National Planning Policy Framework, 2021 and to Policy 1 of the South East Lincolnshire Local Plan 2019.

10. The owners/operators of the holiday lodges shall maintain an up-to-date register of the names of all occupiers of the accommodation on the site, length of stay (including details of arrival and departure dates) and of their main home addresses, and shall make this information available to the Local Planning Authority on request.

Reason: To ensure the development is in accordance with what has been applied for, that it is restricted to holiday use only and the accommodation is not used for permanent residential accommodation. This condition is imposed in accordance with Policy 1 and 9 of the South East Lincolnshire Local Plan 2019.

11. The development hereby approved shall be undertaken in complete accordance with the Flood Risk and Drainage Assessment and Flood Warning and Evacuation Plan received 3 May 22, unless otherwise agreed in writing by the Local Planning Authority. The Flood Warning and Evacuation Plan, drainage scheme and flood mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.

Reason: In the interest of reducing flood risk in accordance with Policy 4 of the South East Lincolnshire Local Plan, 2019.

12. The development hereby permitted shall be undertaken in full accordance with the Protected Species and Ecology Report produced by Inspire Ecology dated Feb 2022. Should any protected species be found during the development work shall cease immediately and details of protection measures shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the protection of protected species during the development, in 13 accordance with Policy 28 of the South East Lincolnshire Local Plan 2019.

13. The scheme of landscaping and tree planting shown on Drawing No. P21- 0483.006 Landscape Masterplan shall be carried out and completed in its entirety during the first planting season following practical 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.

In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2023 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

**Date: 19-Apr-2024**



**Phil Norman BSc (Hons), MSc, MRTPI**

Assistant Director – Planning and Strategic Infrastructure  
(Chief Planning Officer)

**South & East Lincolnshire Councils Partnership**

## **Informatives:**

### **Caravan site licencing**

The holiday lodges at this site are subject to caravan site licensing therefore if the applicant is successful in this application they would be required to apply for a caravan site licence. This licence would come with conditions based upon the national model standards, and the applicant would need to comply with the accompanying conditions. These conditions can be found at <https://www.mybostonuk.com/environmental-protection-and-services/caravancamping/>

The applicant should be advised to contact us in regards to applying for a caravan site licence. The application will need to be completed as soon as the permission is granted.

### **Witham Fourth IDB**

1. A Board maintained watercourse exists on the east boundary of the site and to which BYELAWS and the LAND DRAINAGE ACT applies:

No person may erect any building or structure (including walls and fences), whether temporary or permanent, or plant any tree, shrub, willow, or other similar growth within 9 metres of the top edge of the watercourse/edge of the culvert without the prior consent of the Board.

Please note the Board will not consent any permanent or temporary construction within the 9 metres BYELAW easement. Please refer to the Board's Nine Metre Easement Policy for further information: <https://www.w4idb.co.uk/resources/documentlibrary/consent-forms-and-guidance/>

2. 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-formsand-guidance/>

3. Board's Byelaw consent is required to discharge treated water to a watercourse (open or piped).

4. Board's Section 23 consent is required to culvert, pipe, or bridge any watercourse riparian or Board maintained.

5. 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.

### **Highways**

The highway improvement works referred to in Condition 3 are required to be carried out by means of a legal agreement between the landowner and the County Council, as the Local Highway Authority.

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-vehiclecrossings@lincolnshire.gov.uk>

or contact

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>

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

## 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.
- **Householder applications** - 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. Further information is available at [www.gov.uk/appeal-householder-planning-decision](http://www.gov.uk/appeal-householder-planning-decision)
- **Minor commercial applications** - 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.
- **All other decisions – Full Planning Permission** - 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)
- **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.
- **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.

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