



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/19/0317

Applicant: D & R Homes (Kirton) Ltd
c/o Robert Doughty Consultancy Ltd

Agent: Mr Lewis Smith,
Robert Doughty Consultancy Ltd
32, High Street
Helpringham
Sleaford
NG34 0RA

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

Erection of 31 dwellings, new access and infrastructure following demolition of existing dwelling at Land off Station Road, Kirton, Boston, PE20 1LQ

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 three years from 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 approved shall be carried out in accordance with the following approved plans:

- Ref: 1308-4_PL_LP01 Rev A - 'Location Plan'
- Ref: 1308-4_PL_SP02 Rev B - 'Proposed Site Plan'
- Ref: 1308-4_PL_SP03 Rev B - 'Proposed Site Plan in context'
- Ref: 1308-4_PL_SP04 - 'Access Detail Plan'
- Ref: 1308-4_PL_GA01 - 'Proposed Plans and Elevations (house type 1)'
- Ref: 1308-4_PL_GA02 - 'Proposed Plans and Elevations (house type 3)'
- Ref: 1308-4_PL_GA03 - 'Proposed Plans and Elevations (house type 4)'
- Ref: 1308-4_PL_GA04 - 'Proposed Plans and Elevations (house type 5)'
- Ref: 1308-4_PL_GA05 - 'Proposed Plans and Elevations (house type 6)'
- Ref: 1308-4_PL_GA06 - 'Proposed Plans and Elevations (house type 7)'
- Ref: 1308-4_PL_EL01 - 'Proposed Elevations (house type 2)'
- Ref: 1308-4_PL_PL01 - 'Proposed Plans (house type 2)'
- Ref: 1308-4_PL_PL02 - 'Proposed Roof Plans'

And read in conjunction with the various recommendations of the supporting documents which accompany the application unless varied by other conditions attached to and forming part of this decision.

Reason: To ensure that the development is carried out in accordance with approved plans in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

3. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated July 2019 completed by RM Associates and the following mitigation measures detailed within the FRA including:

- Finished floor levels to be set no lower than 3.9m above Ordnance Datum (AOD)
All dwellings to be at least two storey

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

Reason: To reduce the risk of flooding to the proposed development and future occupants and to accord with Policies 2, 3, 4 and 31 of the South East Lincolnshire Local Plan (2011-2036) and the intentions of the National Planning Policy Framework (2019).

4. Prior to the construction of any building above damp proof course, a detailed scheme for drainage and water infrastructure shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include:

- A scheme for the provision of mains foul sewerage infrastructure on and off the site
- Details of connection point(s) and discharge rate(s)

Prior to the occupation of any dwelling within any phase of the development, the drainage and water infrastructure measures relating to that phase and dwelling must have been carried out in complete accordance with the approved scheme.

Reason: To prevent environmental and amenity problems arising from flooding and to accord with Policies 2, 3, 4 and 31 of the South East Lincolnshire Local Plan (2011-2036) and the intentions of the National Planning Policy Framework (2019).

5. The water consumption of each 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 the South East Lincolnshire Local Plan, 2019). 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 (2011-0236).

6. Prior to the construction of any building above damp proof course, final details of measures that aim to reduce pollution and promote renewable and low carbon energy (including measures such as facilities for EV car charging) and details relating to the timing of their implementation, shall be submitted to and approved in writing with the Local Planning Authority. The development shall be constructed in accordance with the approved measures.

Reason: To help reduce pollution and promote renewable and low carbon energy in new development schemes and to accord with Policies 2, 3, 30 and 31 of the South

East Lincolnshire Local Plan (2011-2036) and to accord with the intentions of the National Planning Policy Framework (2019).

7. No development shall take place above damp proof course, 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: No details of materials have been submitted, these details are required in the interests of the amenity of the area and to ensure that the new buildings are in keeping with the character of the area to accord with the objectives of Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036) and the intentions of the National Planning Policy Framework (2019).

8. Prior to the construction of any building above damp proof course, full details of both hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:
 - a) boundary treatment
 - b) hard surface materials
 - c) minor structures
 - d) soft landscaping details for proposed trees and hedgerows including planting schedules (species, sizes densities etc.)
 - e) existing trees to be retained/removed and details of replacements
 - f) biodiversity mitigation and enhancement measures

The approved works shall be carried out in accordance with the approved details, with all works completed before the first occupation of the final unit on site to be occupied.

Reason: In the interests of visual amenity and in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

9. All landscape works relating to each completed part of the development shall be carried out in accordance with the approved details within 6 months of the completion of that part of the development. 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 to ensure an effective landscaping scheme is delivered, including planting of trees, and to ensure that the approved scheme is implemented satisfactorily, in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

10. Prior to the occupation of any dwelling a landscape management plan including management responsibilities for any areas of open space, private drives and shared surface parking areas shall be submitted to and approved in writing by the Local Planning Authority. The site shall therefore be managed in accordance with the agreed details at all times.

Reason: To ensure the long term maintenance of the these areas and to accord with polices 2 and 3 of the South east Lincolnshire Local Plan (2011-2036).

11. The development hereby approved shall be carried out fully in accordance with the Tree constraints and Protection Report (ref:722/18d v2), and in particular Section 3 (Tree Protection Detail) containing the schedule of works for affected trees including their root protection areas.

Reason: To ensure that protected trees and their root systems are not unduly harmed during construction of the development and to accord with policies 2, 3 and 28 of the South East Lincolnshire Local Plan.

12. Prior to the construction of any building above damp proof course, a detailed surface water drainage scheme shall be submitted to the Local Planning Authority for agreement in writing.

The scheme shall:

- Be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
- Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- Provide attenuation details and discharge rates which shall be restricted to a level that shall be submitted to and agreed by the Local planning Authority
- Provide details of the timetable for any phasing of implementation for the drainage scheme; and
- Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or statutory undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing, and all surface water measures relating to that phase and dwelling have been completed. The approved scheme shall be retained and maintained in full in accordance with the approved details.

Reason: To ensure that the development hereby permitted is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the development permitted. This condition accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2011-2036) and the intentions of the National Planning Policy Framework (2019).

13. Before each dwelling is occupied, the roads and footways providing access to that dwelling, for the whole of its frontage from an existing public highway, shall be constructed to a specification to enable them to be adopted as Public Highway, less the carriageway and footway surface courses. The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling.

Reason: To ensure that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction period of the development and that the roads and footways are completed within a reasonable period following completion of the dwellings. This condition accords with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

14. No dwellings shall be commenced before the first 50 metres of the estate road from its junction with the public highway, including visibility splays, has been completed to binder course level.

Reason: To ensure construction and delivery vehicles, and the vehicles of site personnel, may be parked and/or unloaded off the existing highway, in the interests

of highway safety and the amenity of neighbouring residents. This condition accords with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

15. Before any dwelling is occupied, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted to, and approved by, the Local Planning Authority

Reason: In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels. This condition accords with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

16. No development shall take place until a Construction Management Plan and Method Statement has been submitted to and approved in writing by the Local Planning Authority, which shall include;

- Phasing of the development to include access construction
- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Wheel washing facilities
- The routes of construction traffic to and from the site
- Strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawings showing the drainage systems connect to an outfall during construction.

The Construction Management Plan and Method Statement shall be strictly adhered to throughout the construction period.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to or downstream of the development during construction and to ensure that traffic routes are agreed, and in the interests of protecting neighbour's amenity. This condition accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2011-2036).

17. 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 2019 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

Date: 30-Jan-2020



Mike Gildersleeves
Growth Manager

Authorised by	
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Informatives

1.All roads within the development hereby permitted must be constructed to an engineering standard equivalent to that of adoptable highways. Those roads that are to be put forward for adoption as public highways must be constructed in accordance with the Lincolnshire County Council Development Road Specification that is current at the time of construction and the developer will be required to enter into a legal agreement with the Highway Authority under Section 38 of the Highways Act 1980. Those roads that are not to be voluntarily put forward for adoption as public highways may be subject to action by the Highway Authority under Section 219 (the Advance Payments code) of the Highways Act 1980.

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.

3.Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

4. Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contact Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

5.Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

6. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

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 PLACE, PREFERABLY WITH YOUR DEEDS