



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/20/0267

Applicant: Mr Elsam

Agent: Mr Neil Dowlman
Neil Dowlman Architecture Ltd
12-14, Main Ridge West
Boston
PE21 6QQ

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

Proposed replacement dwelling including demolition of existing dwelling at The Cottage, Common Lane, Old Leake, Boston PE22 9RH

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 four 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 permitted shall be carried out in strict accordance with the application received 26-Feb-2019 and in accordance with the associated plans referenced:
 - Location Plan – received 23rd July 2020;
 - Drawing Number: B3402-2001 Rev A – received 14 September 2020;
 - Drawing Number: B3402-2002 Rev A – received 14 September 2020; and,
 - Drawing Number: B3402-2004 – received 11 August 2020.

Reason: In order to ensure that the development is undertaken in accordance with the details assessed, in the interests of the amenity and character of the area, to accord with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

3. No development shall take place above ground level until details of the materials proposed to be used in the construction of the external surfaces, to be used in the construction of the dwelling 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 the development assimilates within the area and to accord with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

4. No above ground works shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:
 - i. separate systems for the disposal of foul and surface water;
 - ii. details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer (if applicable), including provisions to ensure that the post-development discharge rate does not exceed the pre-development rate (incorporating an appropriate allowance for climate change);
 - iii. details of any necessary flow attenuation measures, including the use of SUDS where appropriate; and
 - iv. details of how the scheme will be maintained and managed after completion.

The scheme shall be implemented in accordance with the duly approved details before the dwelling is first occupied, and shall be maintained and managed as such thereafter.

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, 4 and 31 of the South East Lincolnshire Local Plan (2011-2036), and the National Planning Policy Framework (2019).

5. If development has not commenced within 6 months of the date of this permission then no demolition or development shall take place until a further survey has been undertaken to establish whether features/habitats on the site are utilised by any protected species and the results submitted to and approved in writing by the Local Planning Authority.

Any further survey shall take place during the optimum period for activity. If such a use is established, then no development shall take place until a comprehensive method statement indicating how the protected species are to be safeguarded during the construction period and how appropriate mitigation measures (including habitat compensation and enhancement) are to be incorporated into the development has been submitted to and approved in writing by the Local Planning Authority. The duly approved method statement shall be implemented in full accordance with the details, recommendations and timescales contained therein and any mitigation measures shall be fully implemented before the dwelling hereby approved is first occupied, and retained as such thereafter.

Reason: To ensure that appropriate measures are taken to establish whether habitats on the site which are suitable to support protected species are (or become) used by these species in cases where development is delayed, and to ensure that adequate mitigation measures are introduced as part of the development in order that it does not adversely affect the favourable conservation status of any protected species in accordance with the requirements of Policies 2 and 28 of the South East Lincolnshire Local Plan (2011-2036), the National Planning Policy Framework (2019), the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended).

6. Notwithstanding the submitted details, before any development takes place above ground level, the type of brick bond and the type of pointing of the mortar joints to be used in the construction of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out as approved.

Reason: To ensure a design of exceptional quality which assimilates within the area and to accord with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

7. No development shall take place above ground level until full details of hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. The scheme shall include:
 - a) boundary treatment
 - b) hard surface materials
 - c) planting schedules (species, sizes densities)
 - d) existing trees to be retained/removed

Reason: In the interest of visual amenity and design quality 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).

8. All landscape works as required by the preceding condition 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 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 design quality 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).

9. 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 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 the 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).

10. Prior to the commencement of development above slab level, 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).

11. The development hereby approved shall be carried out in full accordance with the measures (including their timetable for implementation) detailed within the method statement titled 'Ecology and Protected Species Survey' by 'Helen Scarborough' (ref final dated 26th June 2020).

Reason: To ensure that adequate mitigation measures are introduced as part of the development in order that it does not adversely affect the favourable conservation status of any protected species and to ensure the provision of appropriate habitat compensation in accordance with the requirements of Policies 2 and 28 of the South East Lincolnshire Local Plan (2011-2036), the National Planning Policy Framework (2019), the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended).

12. No clearance of any vegetation in preparation for or during the course of development shall take place during the bird nesting season (March to August inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of any vegetation shall take place during the bird nesting season until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

Reason: In order to prevent any habitat disturbance to nesting birds in accordance with the requirements of Policies 2 and 28 of the South East Lincolnshire Local Plan (2011-2036), the provisions of the Wildlife and Countryside Act 1981 (as amended) and the National Planning Policy Framework (2019).

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Classes A to E (inclusive) of Part 1 of Schedule 2 shall take place.

Reason: In order to prevent further uncontrolled expansion of the dwelling or the proliferation of further outbuildings within the site, in order to protect the character and amenity of the 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 2019 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

Date: 05-Oct-2020



Mike Gildersleeves
Growth Manager

Informatives

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 approval and specification details, please contact vehiclecrossings@lincolnshire.gov.uk.

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