



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/24/0029

Applicant: Aaron McLoughlin

Agent: Rick Smith
Rick Smith Design Ltd
Ardent House
18, Eastgate
Sleaford
NG34 7DP

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 Conditions 2 (Plans) & C13 (Flood Risk Assessment) of planning permission B/21/0526 at Land adj to Woodbine Cottage, 184 Fishtoft Road, Fishtoft, Boston PE21 0BS

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 begin before 19th April 2026.

Reason: To comply with S.91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following plans:

Site Location Plan – Received 22nd January 2024

233160-03A Proposed Site Plan

233160-04 Plot 1 Details

233160-05 Plot 2 & 3 Details

233160-06 Plot 4, 5 & 6 Details

233160-07 Plot 7 Details

233160-08 Garage Details

233160-09 Proposed Site Visuals

Reason: For the avoidance of doubt in the interests of proper planning and in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

3. 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 by the Local Planning Authority.

Reason: To ensure all contamination within the site is dealt with and to accord with Policies 2 and 30 of the South East Lincolnshire Local Plan 2019.

4. No development shall take place above slab level until details of all external materials to be used in construction of the buildings are submitted to and approved in writing by the Local Planning Authority. The development shall then be built out in accordance with the approved details.

Reason: To ensure the development has an acceptable external appearance and is in keeping with the visual amenity and character of the area in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

5. No development shall take place above slab level until details of all boundary treatments are submitted to and approved in writing by the Local Planning Authority. The development shall then be built out in accordance with the approved details.

Reason: To ensure the development has an acceptable external appearance and is in keeping with the visual amenity and character of the area in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

6. No development shall take place above slab level until full details of the biodiversity enhancement measures across the site and a timetable for their implementation, are submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved scheme.

Reason: In the interest of enhancing the ecology of the area in compliance with Policies 2 and 28 of the South East Lincolnshire Local Plan 2019.

7. The development hereby approved shall be carried out in strict accordance with the tree and hedgerow protection measures detailed in the Arboricultural Report dated 20th August 2020 and the Design and Access Statement dated 28th February 2022 approved under B/21/0526, unless otherwise agreed in writing by the Local Planning Authority before any clearance or development takes place (whichever is sooner). The identified tree protection measures shall be implemented before any development takes place and maintained as such thereafter for the entirety of the construction period. No works to hedgerows and trees shall be undertaken during bird nesting season (March to August inclusive) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate measures are put in place to protect existing trees which are to be retained as part of the development before any construction works commence in accordance with the requirements of 2, 3 and 28 of the South East Lincolnshire Local Plan 2019.

8. The water consumption of each dwelling hereby permitted shall 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 2019.

9. No development shall take place until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include:
1. Details of measures to minimise and control noise, vibration, dust and fumes during the development;
 2. Traffic management;
 3. The location and storage of plant and materials;
 4. Measures to prevent the spread of mud on to the public highway;
 5. Hours of operation/site deliveries; and
 6. Site security.

The measures shall be applied as agreed.

Reason: In the interests of public health and to protect the amenities of nearby residents in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

10. No development (including any works of site preparation) shall take place until a Written Scheme of Investigation (WSI) outlining a programme and timetable of archaeological investigation has been submitted to and approved in writing by the local planning authority. The WSI shall include:
- (i) A phased programme and methodology of site investigation and recording to include:
- a desk-based assessment including, where appropriate, historic building assessment(s), detailed survey and interpretative record;
 - a targeted archaeological evaluation; and
 - where appropriate, targeted area excavation.
- (ii) A programme for post investigation assessment to include:
- analysis of the site investigation records and finds;
 - production of a final report on the significance of the archaeological interest represented.
- (iii) provision for publication and dissemination of the analysis and report on the site investigation.
- (iv) provision for archive deposition of the report, finds and records of the site investigation.
- (v) nomination of a competent person(s) or organisation to undertake the work set out in the approved WSI.

The development shall thereafter be carried out in full accordance with the approved WSI and the timetable contained therein.

Reason: To ensure that a suitable programme of archaeological investigation is implemented prior to the commencement of any construction works in order to record and advance the understanding of the archaeological and historical significance of the site for archival and research purposes in accordance with the requirements of Policies 2 and 29 of the South East Lincolnshire Local Plan 2019 and the National Planning Policy Framework 2023.

11. 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. No dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

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 permitted development which would accord with the requirements of Policy 2 and 4 of the South East Lincolnshire Local Plan 2019.

12. Before the access is brought into use, all obstructions exceeding 0.6 metres high shall be cleared from the land within the visibility splays illustrated on drawing number 233160-03A (Proposed Site Plan) and thereafter, the visibility splays shall be kept free of obstructions exceeding 0.6 metres in height.

Reason: To ensure drivers entering the highway at the access may have sufficient visibility of approaching traffic to judge if it is safe to complete the manoeuvre in accordance with Policy 2 and 3 of the South East Lincolnshire Local Plan 2019.

13. The development shall be carried out in accordance with the submitted flood risk assessment (dated January 2024, compiled by RM Associates) and the mitigation measures it details. In particular, ground floor finished floor levels shall be set no lower than 3.7 metres above Ordnance Datum (AOD).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy 4 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: 21-Feb-2024



Mike Gildersleeves

Assistant Director – Planning & Strategic Infrastructure

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

Informatives

The applicant's attention is drawn to the comments received from the Lincolnshire County Council regarding highways matters and Witham Fourth District Internal Drainage Board on application B/21/0526 regarding drainage matters. To view these comments, please go to <https://www.boston.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.
- **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
- **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.
- Appeals can be made online at 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. 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 – 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.

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