BOSTON BOROUGH COUNCIL

Town and Country Planning Act 1990

APPLICATION DECISION NOTICE

Application Reference: B/11/0449

Applicant: Mrs Jacqueline Collier
R W Collier Haullage
6 Marsh Road
Sutterton
Boston
Lincolnshire
PE20 2LR

Agent:

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 s.73 for variation of conditions attached to planning permission ref: B/18/0035/90 for :

a) variation of condition 2 to allow the site to be operated by R.W.Collier Haulage
b) variation of condition 8 to allow 3No. tractors and 3No. trailers to be parked at the site
at 6 , Marsh Road, Sutterton, Boston, Lincolnshire, PE20 2LR

And in accordance with the plans appended 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. This permission shall operate solely for the benefit of R.W Collier Haulage and the use hereby approved shall be terminated at such time as R.W Collier Haulage ceases to occupy the premises.

   Reason: To safeguard the rights of control by the local planning authority with regard to these matters and to accord with the objectives of Local Plan policy G1 and ED10 of the Adopted Boston Borough Local Plan.

2. There shall be no tractor or trailer movements to or from the site between 7pm and 3am Monday and Friday and 4pm and 10am Saturday and Sunday.

   Reason: In the interests of the amenity of nearby residential properties and to accord with Polices G1 and ED10 of the Adopted Boston Borough Local Plan.

3. The maintenance of the tractors and trailers on the site shall only take place within the 'Maintenance Area' as hatched green on approved drawing 2a/2 dated 26/01/12 and then only between the hours of 7am and 7pm Monday to Friday and 10am and 4pm on Saturday and Sundays.

Reason: In the interests of the amenity of nearby residential properties and to accord with Policies G1 and ED10 of the Adopted Boston Local Plan.

4. No more than 3 tractors and 3 trailers shall be parked at the site and only within the 'Parking Area' hatched blue on approved drawing 2a/2 dated 26/10/12.

   Reason: In the interests of residential amenity and highway safety and to accord with the objectives of Local Plan Policies G1 and G6.

5. There shall be no outside storage of goods or materials other than of the 3 tractors and 3 trailers themselves.

   Reason: In the interest of the appearance of the site in the countryside and to accord with Policy G1 of the Adopted Boston Borough Local Plan.

Reason(s) for Granting Planning Permission:-

Planning Permission has been granted because there is no evidence that the increase in the number of tractors and trailers stored at this site or the change of operator would cause harm to the character of the area, residential amenity or highway a safety. The variation of conditions attached to planning permission B18/0035/90 would comply with the objectives of Policies G1, C01 and ED10 of the Boston Borough Adopted Local Plan (1999).

The statutory development plan for Boston Borough comprises the East Midlands Regional Plan March 2009 and the saved policies of the Boston Borough Local Plan April 1999.

The relevant policies in the grant of this permission are:

Adopted Plan

- G1-Amenity
- G3-Foul and surface water disposal
- G6-Vehicular and pedestrian access
- C01 - Development in the Countryside
- ED10 - Depot or Lorry Park

B/11/0449

Dated: 07-Mar-2012

Paul Edwards
Interim Development Control Manager

IMPORTANT NOTES

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

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.

PLANNING APPEALS

If you are aggrieved by the decision or any of the conditions attached to a consent you may pursue an appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990. However, it is suggested that you speak, in the first instance, to the Planning Officer who dealt with your application for further advice.

If you want to appeal, forms are available from the Planning Inspectorate, Room 3/15a Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN Tel: (0117) 3726372 or (0117) 3726027, you can also submit your appeal online at www.planningportal.gov.uk.
For a householder planning application you must appeal within **12 weeks** of the date on the decision notice. For all other types of planning application then you must do so within **6 months** of the date of the decision notice.

The Secretary of State can allow a longer period for giving notice of an appeal but he 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 him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

PURCHASE NOTICE

If either the Local Planning Authority or the Secretary of State for the Environment refused permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonable beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

PROPOSED DEMOLITION

The provisions 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 have 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