



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/21/0471

Applicant: Richard Reed (Builders) Ltd

Agent: Mr Lewis Smith
Robert Doughty Consultancy Limited
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:

Application for the amended housetypes relating to 5no. dwellings (Plots 22 to 26) following approval B/17/0362 at Plots 22-26, Land adjacent to London Road/Drainside South, Kirton, Boston, PE20 1JH

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 shall proceed in accordance with the following approved plans all received by the Local Planning Authority on 25th October 2021:
 - 1170-11_PL_LP01 Location Plan
 - 1170-11_PL_SP01 Proposed Site Plan
 - 1170-11_PL_GT1_GA01 Single Garage- Plans & Elevations
 - 1170-11_PL_GT2_GA01 Double Garage- Plans & Elevations
 - 1170-11_PL_HT14_GA01 House Type 14 (Plot 23)- Plans & Elevations
 - 1170-11_PL_HT14_GA02 House Type 14H (Plot 26)- Plans & Elevations
 - 1170-11_PL_HT16_GA01 House Type 16 (Plot 22)- Plans & Elevations
 - 1170-11_PL_HT17_GA02 House Type 17H (Plot 24)- Plans & Elevations
 - 1170-11_PL_HT9_GA02 House Type 9H (Plot 25)- Plans & Elevations

Reason: for the avoidance of doubt and in the interests of proper planning and to comply with Policies 1, 2, 3 and 4 of the South East Lincolnshire Local Plan (2011-2036).

2. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the development shall be constructed in accordance with the materials detailed on the approved schedule of materials (1170/11/MS 25/02/2022 received 28 February 2022).

Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

3. The development hereby permitted shall proceed in strict accordance with the details set out in the Flood Risk Assessment forming part of the approved application.

Reason: To prevent the increased risk of flooding in accordance with Policies 2 and 4 of the South East Lincolnshire Plan (2011-2036).

4. The trees subject to the Kirton, Sutterton and Algarkirk Tree Preservation Order No 1 shall be protected during construction work by chestnut pale fencing or similar fencing 1.5 metres in height erected around the tree(s) at a distance from the trunk(s) equal to the spread of the crown(s) of the tree(s). The fence shall be retained until all construction works have been completed. Within the protected area no alteration to the ground level shall take place, no additional water shall be allowed to flow in, no vehicles shall be allowed to pass, no materials shall be stored, no waste tipped, no fires lit, no pruning of branches shall take place, no services shall be rioted without the written permission of the Local Planning Authority.

Reason: To protect the trees during construction work and to accord with Policy 2 and 28 of the South East Lincolnshire Local Plan (2011-2036) and the objectives of the National Planning Policy Framework 2021.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any amendment or successor), no extensions or outbuildings shall be built underneath the canopies of the trees on this site subject to the Kirton, Sutterton and Algarkirk Tree Preservation Order No 1 without the prior approval of the Local Planning Authority.

Reason: To protect the health and stability of the protected trees and to accord with Policy 2 of the South East Lincolnshire Local Plan (2011-2036) and the objectives of the National Planning Policy Framework (2021).

6. The development hereby approved shall be carried out in full accordance with measures and mitigation set out in the Construction Management Plan – Dated January 2018.

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

Reason: In the interests of the safety and free passage of those using the neighbouring road network, in the interests of the amenity of local residents and 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 permitted development during construction. This condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2011-2036) and paragraph 130 of the National Planning Policy Framework (2021).

7. The water consumption of any 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).

In determining this application the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2021 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

Date: 02-Mar-2022



Mike Gildersleeves
Assistant Director – Planning
Boston Borough Council and East Lindsey District Council



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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