



## Town and Country Planning Act 1990

**Application Reference: B/21/0475**

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

Proposed Site Plan, B/3129-201, received by the LPA on 27.10.2021

Reason: This condition is imposed to define the limits of the permission, for the avoidance of doubt, and in the interests of proper planning. This condition is also imposed to ensure a satisfactory form and quality of development in accordance with objectives of Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (2019).

5. Submissions of reserved matters shall include a detailed scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights of planting and positions of all the trees, together with details of implementation and post-planting maintenance. The scheme shall also include details of existing trees/planting which is to be retained and how such will be protected throughout construction of the development.

Reason: To ensure that appropriate landscaping is provided to integrate the site into the local area, in the interests of biodiversity and to accord with Policy 3 of the South East Lincolnshire Local Plan (2019) and Paragraph 131 and 174 of the National Planning Policy Framework (2021).

6. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved by the Local Planning Authority. This scheme should include the following:
  1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
  2. Provision for site analysis
  3. A geophysical survey and a programme of trial trenching
  4. Provision for publication and dissemination of analysis and records
  5. Provision for archive deposition
  6. Nomination of a competent person/organisation to undertake the work

The scheme of archaeological investigation must only be undertaken in accordance with the approved details, and completed in accordance with the timetable within. No other works shall take place until the site investigation has been completed, unless agreed as part of the timetable.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with Paragraph 205 of the National Planning Policy Framework (2021).

7. Prior to the commencement of the development hereby permitted, a Construction Traffic Management Plan and Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Plan and Method Statement shall indicate measures to mitigate against the adverse impacts of vehicle movements and how the site is to be drained during the construction stage of the proposed development. It shall include;

- the phasing of the development to include access construction;
- the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;
- wheel washing facilities;
- a 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 drawing(s) showing how the drainage systems (permanent or temporary) connect to an outfall (temporary or permanent) during construction.

Development shall then be carried out in strict accordance with the approved Construction Traffic Management Plan and Method Statement.

Reason: In the interests of the safety and free passage of the public using Old Main Road and 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 during construction. This condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2019) and Paragraphs 110 and 111 of the National Planning Policy Framework (2021).

8. Prior to the commencement of the development hereby permitted, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include (through not restricted to) the following details:
- Details of measures to minimise and control noise, vibration, dust and fumes during the development.
  - Traffic management
  - The location and storage of plant and materials
  - Measures to prevent the spread of mud on to the public highway
  - Hours of operation/site deliveries
  - Site security
  - Where pile foundations are to be used, details of the pile foundations and a method statement which identifies the measures to be taken to ensure that the amenity of the neighbours are not adversely affected by noise and disturbance during installation

Development shall then be carried out in strict accordance with the approved CEMP.

Reason: To satisfy Policies 2 and 30 of the South East Lincolnshire Local Plan (2019) and to ensure that appropriate measures are put in place before any development commences to limit noise, nuisance and disturbance to the occupiers of neighbouring properties during the construction of the development.

9. None of the dwellings hereby approved shall be occupied until details of the public open space and car park, including how it is managed and maintained as part of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall cover the full lifetime of the open space and car park and, as a minimum, shall include:

i. details of the location, size, specification of the open space and how the POS will be landscaped (hard and soft) along with any play equipment or facilities;

ii. arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Residents' Management Company.

iii. arrangements concerning funding mechanisms for the ongoing maintenance of all elements of the POS (including mechanical components) and the car park to include details such as:

- on-going inspections relating to performance and asset condition assessments;
- operation costs for regular maintenance, remedial works and irregular maintenance of limited life assets; and

iv. means of access and easements for maintenance purposes;

v. a timetable for implementation.

The POS and car park shall thereafter be installed in accordance with the details and timetable contained within the duly approved scheme, and shall be managed and maintained as such thereafter.

Reason: To ensure that satisfactory measures are put in place for the management and maintenance of the public open space area and car park throughout the lifetime of the development and to accord with Policies 2, 3, 6 and 31 of the South East Lincolnshire Local Plan (2019).

10. 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 in writing by, the Local Planning Authority.

Reason: To ensure the provision of safe and adequate means of access and connectivity from the development and in the interests of Highway Safety. This condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and Paragraphs 110 and 111 of the National Planning Policy Framework (2021).

11. Before each dwelling is occupied the roads and/or 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 Highways Maintainable at the Public Expense, 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 (or other development as specified).

Reason: To ensure the provision of safe and adequate means of access and connectivity from the development and in the interests of Highway Safety. This condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and Paragraphs 110 and 111 of the National Planning Policy Framework (2021).

12. The development shall proceed fully in accordance with the mitigation and enhancement measures recommended within the submitted Update Survey, by Helen Scarborough, dated 15th July 2021.

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).

13. No above ground construction works shall take place unless and until full details of the biodiversity enhancement measures across the site and a timetable for their implementation, have been 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 Policy 2 and 28 of the South East Lincolnshire Local Plan (2019).

14. 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 (2019) and to accord with the intentions of the National Planning Policy Framework (2021).

15. The development hereby permitted shall be undertaken in accordance with a foul water drainage scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of connection points to the public sewer or watercourse, discharge rate and confirmation, where applicable, that the sewage authority has sufficient capacity to accept the flows. The scheme shall also include details of the timetable for and any phasing of implementation of the drainage scheme, as well as details relating to the long-term maintenance of such.

The foul water drainage scheme shall be completed in accordance with the approved details and timetable/phasing scheme, and shall be retained and maintained in full accordance with such details.

Reason: To ensure residents of the permitted development, neighbouring land and neighbouring properties are not adversely affected, by reason of flooding, by the construction of the permitted development in accordance with Policies 2 and 4 of the South East Lincolnshire Local Plan (2019).

16. The development hereby permitted shall be undertaken in accordance with a surface water drainage strategy, based on sustainable drainage principles, which shall first have been submitted to and approved in writing by the Local Planning Authority. The strategy shall also include measures relating to the adoption or long-term maintenance of the surface water drainage system.

The development shall be carried out in accordance with the approved drainage scheme and 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 residents of the permitted development, neighbouring land and neighbouring properties are not adversely affected, by reason of flooding, by the construction of the permitted development in accordance with Policies 2 and 4 of the South East Lincolnshire Local Plan (2019).

17. The development shall be carried out in accordance with the submitted Flood Risk Assessment and Drainage Report (Issue 03), carried out by George Shuttleworth Ltd, dated February 2018, including the following mitigation measures detailed within such:

- Finished floor levels to be set no lower than 3.2m above Ordnance Datum (AOD)
- The development to have at least two storeys
- Demountable defences/flood doors to be provided to a height of 600mm to cover all ground floor doors
- Flood resilience and resistance measures to be incorporated into the proposed development as stated

The mitigation measures shall be fully implemented prior to occupation of the dwellings and shall subsequently remain in place.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to accord with the objectives of Policy 4 of the South East Lincolnshire Local Plan (2019).

18. 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, 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 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 (2019).

19. 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).

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.

Dated: 30 September 2022



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

## Informatives

<p>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 <a href="mailto:vehiclecrossings@lincolnshire.gov.uk">vehiclecrossings@lincolnshire.gov.uk</a>.</p>
<p>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.</p>
<p>All roads within the development hereby permitted must be constructed to a satisfactory engineering standard. 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. For guidance please refer to <a href="https://www.lincolnshire.gov.uk">https://www.lincolnshire.gov.uk</a></p>
<p>The highway improvement works referred to in the above condition are required to be carried out by means of a legal agreement between the landowner and the County Council, as the Local Highway Authority.</p>
<p>The applicants attention is drawn to the comments from Anglian Water and Witham Fourth District Internal Drainage Board, dated 3<sup>rd</sup> November and 10<sup>th</sup> November 2021 respectively, and the informative notes contained within such.</p>

### **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 Communities and Local Government 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 you can submit online, at [www.gov.uk/appeal-planning-decision](http://www.gov.uk/appeal-planning-decision), however, if you wish to apply by post the address is: The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

The Planning Inspectorate customer support team: 0303 444 5000

Email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

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 Communities and Local Government 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**