



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/20/0124

Applicant: Mr H Ramo
Zeen Construction Ltd
30, Wilberforce Road
Peterborough
PE1 3JE

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:

Change of use, erection of a first and second floor extensions and buildings alterations to create twelve self-contained flats at The Studio Nightclub, Craythorne Lane, Boston, PE21 6HA

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 not be carried out except in complete accordance with the following details shown on the submitted plan:

- Location Plan 1:1250 – Promap v2 – received 31 March 2020
- Drawing Number: B/3339-2001D Proposed Elevations and Sections
- Drawing Number: B/3339-2002D Proposed Plans

Reason: To ensure the development is undertaken in accordance with the approved details, in the interest of residential amenity and to comply with Policies 2 and 3 of the South East Lincolnshire Local Plan 2011-2036.

3. Where the risk assessment undertaken in accordance with the desk study report referenced C14909 (Author: Ground Engineering, dated November 2019) identifies any unacceptable risk or risks, a detailed remediation strategy to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved in writing by the Local Planning Authority. No works, other than investigative works, shall be carried out on the site prior to receipt of written approval of the remediation strategy by the Local Planning Authority.



Reason: To ensure the proposed remediation plan is appropriate and in accordance with Policy 30 of the South East Lincolnshire Local Plan 2011-2036

4. Remediation of the site shall be carried out in accordance with the approved remediation strategy (see preceding condition). No deviation shall be made from this scheme.

Reason: To ensure site remediation is carried out to the agreed protocol in accordance with Policy 30 of the South East Lincolnshire Local Plan 2011-2036.

5. On completion of remediation, a copy of a closure report shall be submitted to the Local Planning Authority for approval in writing. The report shall provide validation and certification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.

Reason: To provide verification that the required remediation has been carried out to the required standards in accordance with Policy 30 of the South East Lincolnshire Local Plan 2011-2036.

6. 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 with the Local Planning Authority.

Reason: To ensure all contamination within the site is dealt with in accordance with Policy 30 of the South East Lincolnshire Local Plan 2011-2036.

7. No development including any demolition and/or preparation of the building shall take place unless and until a method statement, with an accompanying sample panel made available on site, has been submitted to and approved in writing for the following:

- How the existing building will be cleaned to reveal the original brickwork;
- How the existing brickwork will be protected during construction;
- Any mortar repairs of the existing walls including pointing.

The works shall then be carried out in full accordance with the approved methodology and sample panel.

Reason: To ensure that the new building is in keeping with the historic character of the area and to harmonise with the setting of the adjacent listed building in accordance with Policy 2, 3 and 29 of the South East Lincolnshire Local Plan 2011-2036.

8. No development shall take place until details of the materials proposed to be used in the construction of the external surfaces 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 that the new building is in keeping with the historic character of the area and to harmonise with the setting of the adjacent listed building in accordance with Policy 2, 3 and 29 of the South East Lincolnshire Local Plan 2011-2036.

9. Notwithstanding the requirements of condition 2 of this permission, no development shall take place until details of all windows and external doors (including both new and replacement openings) have

been submitted to and approved in writing by the Local Planning Authority. Such details shall include:

- Their design; materials (including sill and lintel treatments), finishes, colour treatment, reveals including cross-section to indicate the amount of proposed recess and opening profile;
- The type and specification of glazing;
- The level and pattern of obscuration (if relevant); and,
- The type and direction of window opening.

The windows and doors shall be installed in accordance with the duly approved details before any of the apartments hereby approved are first occupied, and shall be retained as such thereafter.

Reason: To ensure that the new building is in keeping with the historic character of the area, harmonise with the setting of the adjacent listed building and protect 12 Sibsey Lane, the building to the north and for future occupiers from a loss of privacy in accordance with Policy 2, 3, 29 and 30 of the South East Lincolnshire Local Plan 2011-2036.

10. No demolition and no development shall take place on the site within the area indicated on the Location Plan 1:1250 – Promap v2 until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved programme.

Reason: In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any features that would be destroyed or altered in the course of works, in accordance with Policy 29 of the South East Lincolnshire Local Plan 2011-2036 and the National Planning Policy Framework.

11. No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. The approved strategy shall be fully implemented prior to the first occupation of any of the apartments and shall be maintained and managed as such thereafter.

Reason: To ensure that adequate measures are put in place for the disposal surface water in accordance with the requirements of Policy 2, 3 and 4 of the South East Lincolnshire Local Plan 2011-2036.

12. No development shall take place unless and until a soundproofing scheme to minimise the transmission of noise between apartments in the building i.e. walls and ceilings has been submitted to and approved in writing. The duly approved soundproofing scheme shall be implemented in full before the first occupation of the apartments hereby permitted and all soundproofing measures shall be retained as such thereafter.

Reason: To safeguard the amenity of future occupiers in accordance with the requirements of Policy 2, 3 and 30 of the South East Lincolnshire Local Plan 2011-2036 and the National Planning Policy Framework.

13. No development shall take place until a scheme to protect the apartments from external noise in accordance with the Section 5: Acoustic Design Statement in the Technical Report (Author: Sound Solution Consultants, Ref: 33516-R2 – dated 23 April 2020) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details and cross section drawings where relevant of the:

- Acoustically protected windows (with secondary glazing on the worst affected facades).
- Sealed façade (non-openable windows) on southern side with acoustically protected mechanical ventilation systems
- Additional acoustic protection to external walls and roof

The scheme shall thereafter be implemented in accordance with the duly approved details and a verification report submitted to and approved in writing by the Local Planning Authority to demonstrate that the required noise levels have been achieved before any of the apartments are first occupied.

Reason: To safeguard the amenity of future occupiers in accordance with the requirements of Policy 2, 3 and 30 of the South East Lincolnshire Local Plan 2011-2036 and the National Planning Policy Framework.

14. Prior to the commencement of development, final details of measures that aim to reduce pollution and promote renewable and low carbon energy 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).

15. No apartment hereby permitted shall be occupied until a waste management plan setting out how waste will be securely stored and collected has been prepared, submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved waste management plan for the lifetime of the development.

Reason: To ensure appropriate waste management facilities are provided to accommodate all waste generated by the development to accord with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan 2011-2036 and to accord with the intentions of the National Planning Policy Framework (2019).

16. The water consumption of each apartment 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 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 2011-2036.

17. Before the building hereby approved is first occupied, details of the size, materials, design and long term management of the cycle parking/storage shown on Drawing Number: B/3339-2002D shall be submitted to and approved in writing by the Local Planning Authority. The duly approved cycle stands shall be installed and made available for use before the building is first occupied and retained as such thereafter.

Reason: To promote modal shift and encourage travel to the site by more sustainable modes of transport in accordance with Policy 2, 3 and 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 2019 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

Date: 01-Apr-2021

A handwritten signature in black ink, appearing to read 'MG', with a horizontal line drawn through it.

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

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.

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