



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/20/0385

Applicant: Mr Codling
Ash Grove
62, Brand End Road
Butterwick
Boston
PE22 0JD

Agent: Mrs Angela Keen
AKM Architecture
5, Station Street
Donington
Spalding
PE11 4UQ

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 of land and existing building from agricultural to create an Autism support centre, providing respite short stay, physio therapy and day support at Land North of A52, between Butterwick and Benington

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 be carried out in strict accordance with the application received on 17/11/20 and in accordance with the associated plans referenced:

- 001-01A – Location Plan;
- 001-03B – Proposed Site Plan;
- 001-05B – Proposed Ground Floor Plans;
- 001-06B – Proposed First Floor Plans;
- 001-07A – Proposed Elevations;
- 001-08 – Proposed Sections.

Reason: To ensure the development is undertaken in accordance with the approved details, in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2011-2036) and with the intentions of the National Planning Policy Framework (2019).



3. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA), prepared by Stuart Hemmings 2020-09-30, and the following mitigation measures detailed within the FRA:

- New build finished floor levels to be set 1m above Ground Level;
- Minimum two-storey with all sleeping accommodation set at first floor level;
- Flood resilience and resistance measures to be incorporated into the proposed development as stated;
- 600mm demountable defences.

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

Reason: To reduce the risk of flooding to the proposed development and future occupants, in addition to providing the appropriate level of protection in accordance with the National Planning Policy Framework and Policies 2 and 4 of the South East Lincolnshire Plan 2011-2036.

4. 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. The scheme shall then be implemented in accordance with the duly approved details before the building is first brought into use and shall be maintained and managed as such thereafter.

Reason: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water in accordance with the requirements of Policies 2 and 4 of the South East Lincolnshire Local Plan (2011-2036).

5. No development shall take place above ground level until a Flood Warning and Evacuation Plan will be submitted to and approved in writing by the Local Planning Authority.

The plan shall be implemented prior to the occupation of the first dwelling and followed as approved thereafter.

Reason: To provide the appropriate level of protection in accordance with the National Planning Policy Framework and Policies 2 and 4 of the South East Lincolnshire Plan 2011-2036.

6. No development shall take place above ground level until full details of hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- a) boundary treatments;
- b) hard surface materials;
- c) minor structures;
- d) planting schedules (species, sizes densities);
- e) existing trees to be retained/removed;
- f) location of any refuse collection areas as the proposal is located off the adoptable highway;
- g) timetable for implementation and completion of all hard and soft landscaping.

The approved works shall be carried out in accordance with the approved details. Any trees, plants, grassed areas, which within a period of 5 (five) years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the first available planting season with others of similar size species or quality.

Reason: In the interests of visual amenity and in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan 2011-2036.

7. No development shall take place above ground level until a landscape management plan including management responsibilities and maintenance schedules for any public or communal areas within the development (excluding private gardens) and to include private driveways, parking courts and areas of non-adopted highway shall be submitted to and approved by the Local Planning Authority.

The landscape management plan shall be implemented prior to the occupation of the first dwelling and followed as approved thereafter.

Reason: In the interests of visual amenity and in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2011-2036.

8. No development shall take place above ground level until details regarding the provision of electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- The number of charging points;
- Location of charging points;
- Specification of charging points;
- Timetable for the implementation of the above measures.

The development shall then be carried out in strict accordance with the approved details.

Reason: In the interests of promoting sustainable transport in accordance with Section 9 of the National Planning Policy Framework 2019 and Policy 31 of the South East Lincolnshire Local Plan 2011-2036.

9. The occupation of the northern extension which comprises a two bedroom dwelling as shown on the submitted plans shall be limited to a person who owns or is solely, mainly, or last employed in the business which occupies the land identified on the submitted plans, or a widow or widower of such a person or any such dependents.

Reason: The business is expected to create a level of disturbance beyond that which could be considered reasonable by an occupant of the dwelling if not associated with it in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan 2011-2036.

10. The development hereby permitted shall not be commenced until details of a comprehensive contaminated land investigation has been submitted to and approved in writing by the Local Planning Authority and until the scope of works approved therein have been implemented. The assessment shall include all of the following measures unless the LPA dispenses with any such requirements in writing:

a) A Phase I desk study carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). A full desk top study and a non-technical summary shall be submitted in writing to the Local Planning Authority.

b) A site investigation shall be carried out to fully and effectively characterise the nature and

extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle and take into account the site's existing status and proposed new use. A copy of the site investigation and findings shall be submitted in writing to the Local Planning Authority.

Reason: To ensure potential risks arising from previous site uses have been fully assessed and in accordance with Policy 30 of the South East Lincolnshire Local Plan 2011-2036.

11. Where the risk assessment (see preceding condition) 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.

12. 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.

13. 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.

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: 05-Jan-2021



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.

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