



# B O S T O N BOROUGH COUNCIL

Municipal Buildings, West Street, Boston, Lincolnshire, PE21 8QR

## Town and Country Planning Act 1990

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### APPLICATION DECISION NOTICE

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**Application Reference: B/21/0191**

**Applicant:** Mr Steve Epton  
Yarborough Developments Ltd  
13 Main Ridge West  
Boston  
PE21 6SS

**Agent:** Mr Nick Overton  
NiCAD Consultancy Services Ltd  
The Hollies  
Thornimans Lane  
Frampton  
Boston  
PE20 1AJ

In pursuance of the powers exercised by it as Planning Authority, Boston Borough Council, having considered your application to carry out the following development:

**Construction of 11no. industrial units at 7-9 Apollo Plant Hire Parts Dept, Redstone Road, Boston, PE21 8EA**

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 30/04/2021 and in accordance with the associated plans referenced:

- Location Plan;
- 21/RIE/02 Proposed Block Plan;
- 21/RIE/03A Proposed Layout/Elevations.

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



3. The development shall be carried out in accordance with the approved flood risk assessment (FRA) dated March 2021 and the following mitigation measures it details:
- Finished floor levels shall be set no lower than 300mm above the ground level;
  - Flood resilience and resistance measures shall be incorporated into the proposed development as stated to 500mm above the finished floor levels
  - 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 accordance with the National Planning Policy Framework (2019) and Policies 2 and 4 of the South East Lincolnshire Local 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. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:
- (i) separate systems for the disposal of foul and surface water;
  - (ii) details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer, including provisions to ensure that the post-development discharge rate does not exceed the pre-development rate (incorporating an appropriate allowance for climate change);
  - (iii) details of any necessary flow attenuation measures, including the use of SUDS where appropriate; and
  - (iv) details of how the scheme will be maintained and managed after completion.

The scheme shall be implemented in accordance with the duly approved details before the dwelling is first occupied, 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 Policy 2 and 4 of the South East Lincolnshire Local Plan (2011-2036).

5. 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).

6. No development shall take place until a Dust Management Plan as outlined in Table 8 of the approved Air Quality Assessment (Ecus Ltd, April 2021, Ref 16713AQ/1.0) has been submitted to and approved by the Local Planning Authority.

The approved works shall then be carried out in strict accordance with the approved details and the

remaining mitigation measures for the construction phase outlined in Table 8 of the approved Air Quality Assessment (Ecus Ltd, April 2021, Ref 16713AQ/1.0).

Reason: To safeguard the amenity of the area in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan (2011-2036).

7. Prior to the commencement of the use hereby approved, details of a solid timber acoustic fence to be erected along the southern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority.

Such a fence as may be approved shall be erected prior to the first use of the site and shall be retained thereafter.

Reason: In the interests of the residential amenities of neighbouring residents in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

8. Noise from the fixed plant and machinery at the development shall not exceed a 'rating level' of LAeq (15min) 45dB as defined by BS4142:2014 when measured 3.5m from the facade of any residential property between the hours of 7.00am and 11.00pm and a 'rating level' of LAeq (15min) 40dB as defined by BS4142:2014 when measured 3.5m from the facade of any residential property between the hours of 11pm and 7am. Sound level measurements shall be undertaken in accordance with the main procedural requirements of BS7445:2003, parts 1-3.

Reason: In the interests of the residential amenities of neighbouring residents in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

9. No above ground construction works shall take place 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 accordance with Policy 2, 28 and 31 of the South East Lincolnshire Local Plan (2011-2036).

10. Prior to the commencement of the use hereby approved, details of the size, materials and design of the cycle stand shown on the Proposed Block Plan (Drg No. 21/RIE/02) 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 use is first occupied, and retained as such thereafter.

Reason: To encourage travel to the site by more sustainable modes of transport in accordance with Policy 2 and 3 of the South East Lincolnshire Local Plan (2011-2036) and the National Planning Policy Framework.

11. Within seven days of the new access being brought into use, the existing accesses onto Redstone Road shall be permanently closed in accordance with details to be agreed in writing with the Local Planning Authority.

Reason: To reduce to a minimum, the number of individual access points to the development site, in the interests of road safety in accordance with Policy 2 and 3 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: 28-Jul-2021**



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

### **Informatives**

#### Highway Informative 03

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 application guidance, approval and specification details, please visit <https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb> or contact [vehiclecrossings@lincolnshire.gov.uk](mailto:vehiclecrossings@lincolnshire.gov.uk)

#### Highway Informative 08

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.

## 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](mailto: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