



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/22/0264

Applicant: Mrs Dhedhi
Alrahmin Trust
78, Tower Road
Boston
PE21 9AH

Agent: Mr S Machen
Barmach Ltd
22 Charlotte Way
Peterborough
PE3 9ES

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

Outline application with some matters (Appearance & Landscaping) reserved for later approval for the demolition of existing public house and the erection of 3 apartment blocks with 32 apartments and associated infrastructure including a new vehicle access from Lister Way, car parking and amenity space at 36 Fydell Street, Boston PE21 8LF

and in accordance with this notice and the particulars given in the application, do hereby give notice of its decision to **GRANT Outline Planning Permission** for the said development subject to **compliance with the following conditions(s):-**

1. Approval of the details of appearance and landscaping (hereinafter called the 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: This is an outline application only and such details must be approved before development commences in order to comply with the objectives of Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

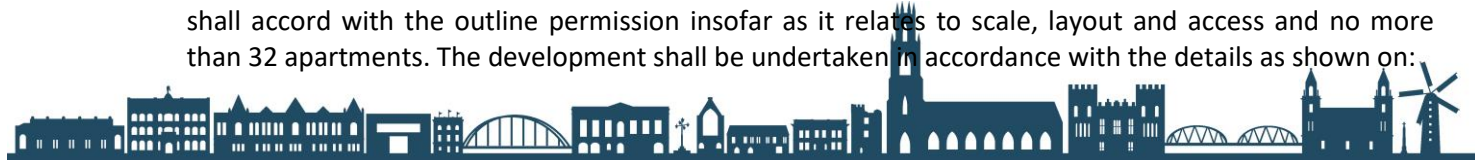
2. Application for approval of Reserved Matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

4. Any application for approval of reserved matters submitted pursuant to Condition 1 of this permission shall accord with the outline permission insofar as it relates to scale, layout and access and no more than 32 apartments. The development shall be undertaken in accordance with the details as shown on:



- LPC-267-01 Location Plan
- LPC-267-101 Rev J Proposed Site Plan
- LPC-267-102 Rev B Existing & Proposed Block Plans
- LPC-267-103 Rev B Parameters Plan
- LPC-267-OL1 Rev C Proposed Site Plan Overlay of Schemes
- LPC-267-OL2 Building A Overlay of Schemes
- LPC-267-OL3 Rev B Building B Overlay of Schemes
- LPC-267-OL4 Rev C Building C Overlay of Schemes
- LPC-267-200 Rev C Building A Floor Layouts & Elevations
- LPC-267-300 Rev C Building B Floor Layouts
- LPC-267-301 Rev E Building B Elevations
- LPC-267-400 Rev E Building C Ground Floor & First Floor Layouts
- LPC-267-401 Rev E Building C Second Floor & Roof Plan Layouts
- LPC-267-402 Rev F Building C Elevations

Reason: Any application for reserved matters must be in accordance with and/or not exceed the parameters established as part of this permission and to comply with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

5. An application which seeks approval for the reserved matter of appearance pursuant to Condition 1 of this permission shall include a schedule of external materials and hard surfaced areas. The development shall thereafter be constructed in accordance with the materials so approved.

Reason: In the interests of the appearance and character of the development and the visual amenity of the area in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

6. Prior to commencement of the development hereby approved, full details of the proposed means of foul and surface water disposal to separate systems shall be submitted to and approved in writing by the Local Planning Authority and the details approved shall be implemented in full before there are any flows into the receiving systems.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework 2021.

7. Prior to development above ground level, 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. Measures to improve biodiversity should, where appropriate, include the installation of bird, swift and bat boxes and hedgehog gaps.

The scheme shall be implemented in accordance with the approved scheme prior to first occupation of the apartments.

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 2019.

8. When application is made to the Local Planning Authority for approval of reserved matters, that application shall be accompanied by a scheme of landscaping and tree planting indicating (including screening of bin collection points), inter alia, the number, species, heights on planting and positions of all trees in respect of the land to which that application relates, together with details of post-planting maintenance.

Such scheme as approved by the Local Planning Authority shall be carried out and completed in its entirety during the first planting season following occupation of the first dwelling of the development. All trees, shrubs and bushes shall be maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason: To ensure that the development is adequately landscaped, in the interests of visual amenity and character in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019

9. The water consumption of any dwelling hereby permitted shall not exceed the requirement of 110 litres per person per day (as set out 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, in accordance with Policy 31 of the South East Lincolnshire Local Plan 2019.

10. Prior to occupation of any dwelling, a scheme for the provision of electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be installed and ready for use prior to the first occupation of the development.

Reason: To help reduce pollution and promote renewable and low carbon energy 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.

11. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated July 2022 Version 2 by RM Associates and the following mitigation measures detailed within the FRA:

- Finished floor levels to be set no lower than 4.3m above Ordnance Datum (AOD)
- Flood resilience measures to a level of 4.6 to be incorporated into the proposed development as stated in the FRA.

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 Policy 4 of the South East Lincolnshire Local Plan 2019.

12. Prior to occupation of the development hereby approved, a waste management plan shall be submitted to and approved by the Local Planning Authority. As a minimum the plan shall include details of bin storage, collection points, odour management and complaints procedures.

The measures within the plan shall be implemented prior to first occupation of the building and maintained in perpetuity thereafter.

Reason: In the interests of amenity in accordance with Policies 2 and 3 and 30 of the South East Lincolnshire Local Plan 2019.

13. The development hereby permitted shall not be commenced until details of a comprehensive contaminated land investigation has been submitted to and approved by the Local Planning Authority (LPA) 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). Two full copies of the desk study and a non-technical summary shall be submitted to the LPA.

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 takes into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the LPA.

Reason: To ensure potential risks arising from previous site uses have been fully assessed and to accord with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

14. 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 and approved by the LPA. 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 LPA.

Reason: To ensure the proposed remediation plan is appropriate and to accord with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

15. 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 without the express written agreement of the LPA.

Reason: To ensure site remediation is carried out to the agreed protocol and to accord with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

16. On completion of remediation, two copies of a closure report shall be submitted to the LPA. 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 and to accord with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

17. If, during development, contamination not previously considered is identified, then the LPA 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 LPA.

Reason: To ensure all contamination within the site is dealt with and to accord with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

18. Prior to commencement of the development hereby approved a detailed Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include:

- Details of measures to minimise and control noise, vibration, dust and fumes during the development including the demolition phase.
- Traffic management
- On-site parking of all vehicles of site operatives and visitors
- Wheel washing facilities
- 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

The development shall thereafter be carried out in accordance with approved construction management plan.

Reason: In the interests of the amenity of local residents in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

19. In the event that pile foundations are to be used in the construction of this development, details of the pile foundations and a method statement which identifies the measures to be taken to ensure that the amenity of neighbours are not adversely affected by noise and disturbance during the insertion of the pile foundations shall be submitted to and approved in writing by the Local Planning Authority before any dwelling is commenced on site. The works shall be carried out in accordance with the approved statement.

Reason: In the interests of the amenity of local residents in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

20. The development permitted by this planning permission shall be carried out in accordance with the approved Noise Impact Assessment dated 9th June 2022 by Independent Environmental Consultancy and the mitigation measures detailed within the Assessment. The measures shall be implemented prior to occupation and shall be retained in perpetuity thereafter.

Reason: In the interests of the amenity of local residents in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

21. No demolition or development to which this permission relates shall commence until an appropriate programme of historic building recording and analysis has been submitted to and approved in writing by the local planning authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Local Planning Authority.

Reason: To ensure that an appropriate record is made of the historic building fabric that may be affected by the development in accordance with Policy 29 of the South East Lincolnshire Local Plan 2019.

22. When an application is made for Reserved Matters approval, the details of finished site levels and ground floor levels in relation to the existing site levels, adjoining land and dwellings shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the grading and mounding of land areas, cross sections through the site, and relationship with the adjoining land form and buildings. The development shall thereafter be implemented in accordance with the approved details.

Reason: To secure the satisfactory development of the application site and minimise the impact on surrounding occupiers, which would accord with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

23. Should any protected species be found during the demolition of the building on site, work shall cease immediately and details of protection and mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The work shall thereafter proceed in accordance with the measures approved.

Reason: To ensure the protection of protected species during the development, in accordance with Policy 28 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 2021 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

Dated: 27 January 2023



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

Informatives:

1. Lincolnshire County Council:

Highway Informative:

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

Highways Informative:

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. For further guidance please visit our website via the following links:

Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

Licences and Permits - <https://www.lincolnshire.gov.uk/licences-permits>

2. Black Sluice Internal Drainage Board:

Rainfall Run-off:

The Board notes it remains the intention of the applicant to discharge surface water into an adjacent utility combined sewer. If this is the case, then any scheme submitted should not only show that the surface water can be discharged into a public sewer as indicated in the application, but also demonstrate that the system is capable of accepting the additional flows, is not in need of repair or maintenance, and that there will be no adverse effect on any surrounding properties.

The applicant will also be responsible for ensuring that the permission from the relevant authorities are obtained prior to discharge from the site.

If the receiving utility infrastructure cannot accept the additional flows, then the applicant should submit details of an alternative scheme to the local planning authority for consideration, and must have received approval for any such scheme, prior to works commencing on site. Discharge to any watercourse will require prior written consent from the Board.

Site Ground Levels:

The existing site is believed to be higher than the surrounding land, including the adjacent highway. The Board is concerned that any additional land raising or development will increase the likelihood of the adjacent land being subject to flooding to overland flows in extreme short duration storm events or prolonged periods of heavy rainfall.

The existing ground level of the site should therefore NOT be raised further above the level of any surrounding land unless measures are taken, to the satisfaction of the local planning authority, to prevent possible flooding or waterlogging of any neighbouring land, property, or public highways.

3. Anglian Water:

The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

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, 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

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