



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/23/0084

Applicant: Carta Real Estate (Boston) Ltd
C/o The Agent

Agent: Charlotte Perry
Planning Potential Ltd.
Suite 19
1, Cardale Park
Beckwith Head Road
Harrogate
HG3 1RY

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 a drive-thru coffee shop (Use Class E) alongside car parking, landscaping, and associated works at Land south east of McDonalds, Swineshead Road, Boston, PE21 7JF

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 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.

2. The development hereby permitted shall be carried out in strict accordance with the following drawings and documentation:

- J9522-04 Rev A Site Location Plan
- J9522-03 Rev A Block Plan
- J9522-01 Rev A Proposed Site Layout
- 1800 Rev P3 Plans and Elevations
- 0060 Rev P3 Elevations
- 1800(SIDE)-03D Costa 1800 Sq Ft Standard Building Roof Plan (Side Entrance)
- 1800(SIDE)-01F Costa 1800 Sq Ft Standard Building (Side Entrance) G.A Plan
- J9522-02 Rev A Hard Landscaping Plan
- MEL-549-002 Rev P2 Detailed Soft Landscaping-Plot 5 COSTA
- 14.6 External Barriers
- Costa Parasol 2x2
- Transport Statement Rev A – dated February 2023
- Travel Plan – dated February 2023



- RT-MME-158477-02 Preliminary Ecological Appraisal
- P18-006B/SI Issue 1 Phase II Geo-environmental Assessment
- P22-405-XX-XX-HYD-RP-C-9000 Preliminary Flood Risk and Drainage Impact Assessment
- DAC/ED/J9522/D&AS/07.02.23 Design & Access Statement
- 5813-1r1 Air Quality Assessment
- Planning Statement 22/6613 – dated March 2023
- Environmental Noise Impact Assessment ADT 3381/ENIA/2 – dated November 2022

Reason: To ensure that the development is undertaken in accordance with the approved details, and to comply with Policies 2, 3, 4, 28, 29 and 36 of the South East Lincolnshire Local Plan 2019.

3. Prior to the commencement of the development, a Construction Ecological Management Plan (CEcMP) shall be submitted to and agreed in writing by the Local Planning Authority. Details of the CEcMP shall include as a minimum:

- Development standoffs and safeguards for all retained habitats,
- Construction timetables to avoid sensitive periods such as nesting bird season,
- Vegetation management measures to minimise the risk to protected or notable species;
- Compliance with any specific mitigation measures that will be required to acquire a Development Licence for works affecting protected species; and
- Details of future maintenance and management, and a timescale for implementation.

The details approved shall be implemented prior to occupation of the development and shall be maintained thereafter.

Reason: In the interests of ecology and biodiversity in accordance with Policy 28 of the South East Lincolnshire Local Plan 2019.

4. The scheme of landscaping and tree planting shown on dwg. MEL-549-002 Rev P2 Detailed Soft Landscaping-Plot 5 COSTA shall be carried out and completed in its entirety during the first planting season following completion 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 its visual amenity and character in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

5. Prior to commencement of the development hereby approved, full details of the means of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
- provide flood exceedance routing for storm event greater than 1 in 100 year;
- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change,
- from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- provide attenuation details and discharge rates which shall be restricted as close as is practically possible to the greenfield run-off rate of the undeveloped site;
- provide details of the timetable for and any phasing of implementation for the drainage

- scheme; and
- provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No part of the development 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 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 within the National Planning Policy Framework 2023.

6. The development shall be carried out in accordance with the submitted Flood Risk Assessment prepared by Hydrock 3E, ref: P22-405-XX-XX-HYD-RP-C-9000, published 06 February 2023 and the following mitigation measures it detail:

- Finished floor levels shall be set no lower than 2.8 metres above Ordnance Datum (AOD)
- Flood resilient construction to a level of 3.3 metres above Ordnance Datum (AOD)

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

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.

7. Prior to the occupation of the building hereby approved, a Flood Warning and Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority. The 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.

8. Prior to the commencement of the development above ground level, a Construction Management Plan and Method Statement shall be submitted and approved in writing by the Local Planning Authority. The Plan and Statement shall indicate measures to mitigate the adverse impacts of vehicle activity and the means to manage the drainage of the site during the construction stage of the permitted development. It shall include;

- Details of measures to minimise and control noise, vibration, dust and fumes during the development;
- Traffic Management;
- Hours of operation/site deliveries;
- Site security;
- the phasing of the development to include access construction;
- the on-site parking of all vehicles of site operatives and visitors;
- the on-site loading and unloading of all plant and materials;
- the on-site storage of all plant and materials used in constructing the development;
- wheel washing facilities; and
- 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 (temporary or permanent)

connect to an outfall (temporary or permanent) during construction.

Reason: In the interests of the safety and free passage of those using the adjacent public highway 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 in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

9. No fixed plant and/or machinery shall come into operation until details of the fixed plant and machinery serving the development hereby permitted, and any mitigation measures to achieve this condition, are submitted to and approved in writing by the local planning authority. The rating level of the sound emitted from the site shall not exceed 45 dBA between 0700 and 2300 hours and 34 dBA at all other times. The sound levels shall be determined by measurement or calculation at the nearest residential premises. The measurements and assessment shall be made according to BS 4142:2014.

Reason: To ensure that noise levels from fixed plant and machinery do not exceed the existing background noise climate, in the interest of residential amenities, and to comply with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan 2019.

10. No deliveries shall be taken at or despatched from the site and the use hereby permitted shall not be open to customers except between the hours of 05.00 to 23.00.

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

11. Prior to the installation of any lighting, a lighting plan shall be submitted to and approved in writing by the Local Planning authority, setting out brightness, light spill and timings. The lighting shall be undertaken in accordance with approved details thereafter.

Reason: In the interest of protecting amenity and limiting light spill in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

12. The development hereby approved shall be carried out in accordance with the materials specified within the Design and Access Statement (DAC/ED/J9522/D&AS/07.02.23). The materials shall be implemented and thereafter retained as approved.

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

13. Prior to occupation of the development hereby approved, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the development is occupied and shall be carried out in accordance with the approved details.

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

14. The development hereby approved shall incorporate two electrical car charging points (hook-ups) within the car parking area which shall be provided before the development is brought into use and shall remain for such use thereafter.

Reason: In the interests of improving air quality and to accord with the objectives of policy 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 2023 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

Date: 07-Nov-2023



Mike Gildersleeves

Assistant Director – Planning & Strategic Infrastructure

Boston Borough Council, East Lindsey District Council and South Holland District Council

Informatives

Legal Agreement:

This decision should be read in conjunction with the corresponding Unilateral Undertaking dated 01 November 2023.

Lincolnshire County Council:

All roads within the development hereby permitted must be constructed to an acceptable 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 <https://www.lincolnshire.gov.uk>

Cadent Gas:

The new Costa development has a Cadent High Pressure gas pipeline running through the middle of the access drive and the proposed car park, we hold a deed of grant for an easement on this HP gas pipeline and no development is permitted within 6m of the HP gas pipeline without Written permission and no structure at all will be permitted inside the easement, there is also a 16.5m building proximity distance on the HP gas pipeline and no occupied buildings are allowed within 16.5m of the High Pressure gas pipeline Cadent will need to be liaised with and contacted before any work commences as there will be restrictions in place as to what type of excavation or work of any type can be carried out in the easement, Cadent will need to pre agree all this before any activities commences Cadent will also require loading assessments to be carried out on the suitability of the High Pressure gas pipeline to carry loads associated with car parks and traffic carrying access roads as load bearing purpose designed and appraised concrete slabs may be required.

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.
- **Householder applications** - 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. Further information is available at www.gov.uk/appeal-householder-planning-decision
- **Minor commercial applications** - 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.
- **All other decisions – Full Planning Permission** - 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. Further information is available online at www.gov.uk/appeal-planning-decision.
- Appeals can be made online at 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. www.gov.uk/government/collections/casework-dealt-with-by-inquiries
- **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.
- **Before you dig** – we recommend that you use the Free Enquiry service – www.LSBUD.co.uk – this site allows you to submit enquiries about activities and work that you are planning, which may have an impact on National Grid Gas and Electricity Transmission Network and other utilities.

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