



# 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/23/0224**

Applicant: Dr Rami Youssif  
Burton Dental Lodge  
56 Spilsby Road  
Boston  
PE21 9QP

Agent: Mr Iain Downer  
Class Q Ltd  
The Grey House  
3 Broad Street  
Stamford  
PE9 1PG

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

**Erection of additional storeys to provide Class E(g)(i) office space and Class E(b) restaurant/bar space and the change of use of ground floor retail space to provide a residential entrance as well as operational development to the Dolphin Lane entrance at The Former Scala Theatre, Pump Square, Boston PE21 6EU**

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 must be begun not later than the expiration of three years beginning with 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 only be undertaken in accordance with the following approved plans;
  - Drawing No. 003 (Proposed Site and Location Plan)
  - Drawing No. 010 Rev E (Proposed Ground and Upper Ground Floor)
  - Drawing No. 011 Rev C (Proposed First and Second Floor)
  - Drawing No. 012 Rev C (Proposed Roof Level)
  - Drawing No. 020 Rev C (Proposed North and South Elevation)
  - Drawing No. 021 Rev C (Proposed East and West Elevation)
  - Drawing No. 022 Rev D (Proposed Dolphin Lane Shopfront)



Reason: To ensure that the development is undertaken in accordance with the approved details, in the interests of residential amenity and to comply with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

3. Prior to installation on site, details of the windows and doors to be utilised in the development hereby permitted, including samples if so required, shall be submitted to and approved in writing by the Local Planning Authority. Such details shall indicate, at a scale of not less than 1:20, the longitudinal and cross-sectional detailing, cill and lintel detailing, and means of opening. The window and doors shall be installed in accordance with the approved details and thereafter maintained.

Reason : In the interests of the appearance and character of the development and the visual amenity of the area, including Boston Conservation Area, in accordance with Policies 2 and 3 and 29 of the South East Lincolnshire Local Plan, 2019.

4. Prior to the installation of the new shopfront window, details of the proposed stallriser panels, pilasters and any corbel, surround or other detailing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of the appearance and character of the development and the visual amenity of the area, including Boston Conservation Area, in accordance with Policies 2 and 3 and 29 of the South East Lincolnshire Local Plan, 2019.

5. Prior to their first use on site, details of the materials to be used in the external construction of the proposal shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:
  - Details of the brick, brick bond and mortar to be used where needed on the Dolphin Lane frontage
  - Details of the brick and brick bond to be used in the development other than the above
  - Details and finish of the zinc cladding
  - Details of the proposed roof materials
  - Details of the proposed parapet wall

The development shall proceed only in accordance with the agreed details.

Reason : In the interests of the appearance and character of the development and the visual amenity of the area, including Boston Conservation Area, in accordance with Policies 2 and 3 and 29 of the South East Lincolnshire Local Plan, 2019.

6. The development shall be completed in accordance with the Noise Assessment completed by 24 Acoustics and dated 31st March 2023. Notwithstanding the details within that document, the sound proofing standards detailed within section 5.15 shall be applied to the floor construction between the first and second floors.

Reason: In the interests of protecting the residential amenity of occupants of flats and to account for differences between scheme at the time of the noise assessment and the submitted scheme. This condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

7. Prior to the bar/restaurant use hereby permitted first being brought into use a noise management plan for that use and its associated outdoor space shall be submitted to and approved in writing by the Local Planning Authority. The use shall only operate in accordance with the approved plan thereafter.

Reason: In the interests of protecting the amenity of nearby residences. This condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

8. Prior to being installed on site, details of any plant and machinery and, where necessary, details of any sound-insulating enclosure shall be submitted to and approved in writing by the Local Planning Authority. The plant and machinery shall be installed in accordance with the approved details and thereafter retained.

Reason: In the interests of protecting the amenity of nearby residences. This condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

9. Prior to the second floor or roof level first being brought into use, details showing the arrangements for bin storage shall be submitted to and approved in writing by the Local Planning Authority. The approved arrangement shall be implemented prior to the occupation of the building and retained thereafter.

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

10. Prior to works to provide the second floor and roof level, details of measures to enhance biodiversity on the site shall be submitted to and agreed in writing by the Local Planning Authority. Measures to improve biodiversity should, where appropriate, include:

- Planting a range of native trees, shrubs and flowers
- Installation of swift bricks, bird or bat boxes

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

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

11. Prior to its installation, details of the external illumination of all buildings and areas of the site including details of luminance and fields of illumination shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed as approved and there shall be no external illumination other than that so approved.

Reason: To ensure that the Local Planning Authority retains control over these matters, in the interests of the visual amenity of the overall development, to prevent light pollution and to ensure that the development is adequately lit in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

12. The bar/restaurant use hereby permitted shall not be open to customers except between the hours of 10.00-23.00 daily and the roof terrace shall not be accessible to customers except between the hours of 10.00-22.00 daily.

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.

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: 05-Apr-2024**



**Phil Norman BSc (Hons), MSc, MRTPI**

Assistant Director – Planning and Strategic Infrastructure  
(Chief Planning Officer)

**South & East Lincolnshire Councils Partnership**

**Informatives:**

**Anglian Water**

If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

(1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

(4) INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

(5) INFORMATIVE: 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

## 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](http://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](http://www.gov.uk/appeal-planning-decision).
- Appeals can be made online at [www.gov.uk/planning-inspectorate](http://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. [www.gov.uk/government/collections/casework-dealt-with-by-inquiries](http://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](http://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