



# 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/19/0514**

Applicant: Mr Chris Watson  
Partner Regus  
Thorpe Park Business Park  
1200 Century Way  
Leeds  
LS15 8ZA

Agent: Mr Stephen Courcier  
Spawforths  
Junction 41 Business Court  
East Ardsley  
Leeds  
WF3 2AB

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 41 affordable dwellings with associated car parking and access, SUDS basin and public open space at Land off Alcorn Green, Boston, PE21 0NA**

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 not be carried out except in complete accordance with the following details shown on the submitted plans:

- Job No. 70947 Drg No. D04 Rev A - Location Plan;
- Job No. 70947 Drg No. D01 Rev N - Site Layout;
- Job No. 70947 Drg No. D210 Rev C - Site Section A-A / B-B (Proposed and Existing);
- Job No. 70947 Drg No. D211 Rev A – Site Section C-C (Proposed and Existing);
- Job No. 70947 Drg No. D12 Rev C - House Type F143 1 Bed/2 Person;
- Job No. 70947 Drg No. D13 Rev C - House Type F133 2 Bed/4 Person;
- Job No. 70947 Drg No. D14 Rev B - House Type F131 3 Bed/5 Person;
- Job No. 70947 Drg No. D15 Rev B - House Type F113 3 Bed/5 Person;
- Job No. 70947 Drg No. D16 Rev B - House Type F115 3 Bed/5 Person;
- Job No. 70947 Drg No. D17 Rev B - House Type F119 4 Bed/6 Person;
- Job No. 70947 Drg No. D05 Rev A - Boundary Treatment Plan; and,
- Drawing Number: ADC2252/DR/505 Rev P3.

Reason: To ensure the development is undertaken in accordance with the approved details, in the interest of residential amenity and to comply with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

3. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA), prepared by Lincs Design Consultancy, dated 26 February 2020 (Issue 2) and the following mitigation measures detailed within the FRA:

- Finished floor levels to be set no lower than 1m above ground level
- The development to have at least two storeys with bedrooms at 1st floor level
- Flood resilient construction to 300mm above predicted breach depths
- 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 accordance with Policy 4 of the South East Lincolnshire Local Plan 2011-2036.

4. Prior to the commencement of development above slab level of any dwelling, an affordable housing scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:

- (i) the numbers, type, tenure and location of the affordable housing provision to be made;
- (ii) the timing of the construction of the affordable housing and its phasing;
- (iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing (if no Registered Provider is involved);
- (iv) the arrangements to ensure that such provision is affordable for both the first and subsequent occupiers of the affordable housing; and
- (v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy shall be enforced.

The affordable housing shall meet the definition of affordable housing in the NPPF (or any future guidance that replaces it) and shall be provided in full accordance with the details and timetable contained within the duly approved scheme.

Reason: To ensure that an appropriate contribution towards affordable housing is made as part of the development in order to meet local need, and to ensure that any affordable housing remains affordable in perpetuity in accordance with the requirements of Policies 6 and 18 of the South East Lincolnshire Local Plan 2011-2036 and the National Planning Policy Framework.

5. If, during development, contamination which was not previously identified is found to be present on the site then no further development shall take place on the affected part(s) of the site until a report containing details of an investigation and risk assessment to determine the nature and extent of any contamination on the site (including whether it originates on the site) has been submitted to and approved in writing by the Local Planning Authority. The submitted report shall include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health;
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes;
  - adjoining land;
  - groundwaters and surface waters;

- ecological systems; and
- archaeological sites and ancient monuments.

(iii) an appraisal of any remedial options required and a proposal for the preferred option(s) to form a remediation strategy for the site.

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy and a verification report submitted to and approved in writing by the Local Planning Authority before any of the buildings on the affected part(s) of the site are first occupied.

Reason: To prevent pollution of the surrounding environment and to ensure the safe development of the site in the interests of the amenity of future occupiers and other sensitive receptors in accordance with the requirements of Policy 30 of the South East Lincolnshire Local Plan 2011-2036 and the National Planning Policy Framework.

6. Prior to the commencement of development above slab level of any dwelling, final details of measures that aim to reduce pollution and promote renewable and low carbon energy (including measures such as facilities for EV car charging) and details relating to the timing of their implementation, shall be submitted to and approved in writing with the Local Planning Authority. The development shall be constructed in accordance with the approved measures.

Reason: To help reduce pollution and promote renewable and low carbon energy in new development schemes and to accord with Policies 2, 3, 30 and 31 of the South East Lincolnshire Local Plan (2011-2036) and to accord with the intentions of the National Planning Policy Framework (2019).

7. Prior to the commencement of development above slab level of any dwelling a Construction Management Plan and Method Statement has been submitted to and approved in writing by the Local Planning Authority which shall indicate measures to mitigate against traffic generation and drainage of the site during the construction stage of the proposed development.

The Construction Management Plan and Method Statement shall include;

- phasing of the development to include access construction;
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- wheel washing facilities;
- the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material 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 (permanent or temporary) connect to an outfall (temporary or permanent) during construction.

The Construction Management Plan and Method Statement shall be strictly adhered to throughout the construction period.

Reason: To ensure that the permitted development accords with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036) and is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction and to ensure material deliveries and site vehicle parking do not take place within the adjacent residential development.

8. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the development shall be constructed in accordance with the materials detailed on the approved plans (Job No. 70947 Drawing nos. D300 received 18 March 2020).

Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

9. The water consumption of any dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement 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 the dwelling.

Reason: To protect the quality and quantity of water resources available to the district. This condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan (2011-2036).

10. None of the dwellings hereby approved shall be occupied until details of a management and maintenance scheme for the public open space area and any sustainable drainage system to be installed as part of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall cover the full lifetime of the open space and drainage system and, as a minimum, shall include:

- (i) arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Residents' Management Company.
- (ii) arrangements concerning funding mechanisms for the ongoing maintenance of all elements of the POS and sustainable drainage system (including mechanical components) to include details such as:
  - on-going inspections relating to performance and asset condition assessments;
  - operation costs for regular maintenance, remedial works and irregular maintenance of limited life assets; and
  - any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.
- (iii) means of access and easements for maintenance purposes;
- (iv) A timetable for implementation.

The POS and drainage system shall thereafter be installed in accordance with the details and timetable contained within the duly approved scheme, and shall be managed and maintained as such thereafter.

Reason: To ensure that satisfactory measures are put in place for the management and maintenance of the public open space area and any sustainable drainage system throughout the lifetime of the development and to accord with Policy 2, 3, 4, 6 and 31 of the South East Lincolnshire Local Plan (2011-2036).

11. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the development hereby approved shall be carried out in full accordance with the details (including the staffing, methodology and timetable) of the programme of works outlined in the Written Scheme of Investigation [by Prospect

Archaeology Ltd (document reference PCL01-01) dated February 2020]. The measures contained within the Written Scheme of Investigation shall be fully implemented and a final report will be required to fully discharge this condition before first occupation of the development.

Reason: To ensure that satisfactory measures are put in place for the investigation, excavation and recording of any archaeological remains within the site to ensure compliance with Chapter 16 of the NPPF.

12. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the development hereby approved shall be carried out in full accordance with the surface water drainage strategy outlined in the Flood Risk Assessment [by RM Associates (document reference version 1) dated October 2019], the drainage statement received 2 March 2020 and Drawing Number: ADC2252/DR/505 Rev P3. The measures shall be implemented before the development is first brought into use and shall be retained 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 surface water which would accord with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan 2011-2036.

13. Notwithstanding the details shown on the submitted plans, prior to the construction of any building above damp proof course, full details of both hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- a) boundary treatments
- b) retaining walls
- c) hard surface materials
- d) minor structures
- e) planting schedules (species, sizes densities etc)
- f) existing trees to be retained/removed
- g) biodiversity mitigation and enhancement measures

The approved works shall be carried out in accordance with the approved details prior to the completion of the development.

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

14. All landscape works as required by the preceding condition shall be carried out in accordance with the approved details within 6 months of the date of the first occupation of any building or completion of development whichever is the sooner. Any trees, plants, grassed areas which within a period of 5 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 design quality and to ensure that the approved scheme is implemented satisfactorily in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).

15. Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), any windows serving bathroom and/or en-suite rooms shall be obscurely glazed to a minimum of level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity)

before the particular dwelling hereby approved is first occupied, and shall be retained as such thereafter.

Reason: To ensure satisfactory levels of amenity for new and existing residents in accordance with the requirements of Policies 2 and 3 of the South East Lincolnshire Local Plan 2011-2036.

16. Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the first floor bedroom window shown on the north facing rear elevation of plot 15 shall be obscurely glazed to a minimum of level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) before the dwelling hereby approved is first occupied and shall be retained as such thereafter.

Reason: To safeguard the privacy of occupiers of 56 Smalley Road in accordance with the requirements of Policies 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: 24-Mar-2020**



**Mike Gildersleeves**  
**Growth Manager**

### **Informatives**

1. All roads within the development hereby permitted must be constructed to an engineering standard equivalent to that of adoptable highways. 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.
2. 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**