



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/20/0410

Applicant: Mr L Barton
Fremont Developments Ltd
Unit 7 Eastgate Industrial Estate
Cherry Holt Road
Bourne
PE10 9JY

Agent: Mr Adrian Fox
AF Architecture
65 Robin Hoods Walk
Boston
PE21 9EX

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

Conversion of existing outbuildings to 2no. residential dwellings (Class C3) and construction of 1no. residential dwelling (Class C3) at Land to rear of 24-26 High Street, Kirton, Boston, PE20 1EG

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

- 20-044-Ex-01 Rev A Existing Plans & Elevations
- 20-044-Pr-01 Rev C Proposed Ground Floor Plans
- 20-044-Pr-02 Rev B Proposed First Floor Plans
- 20-044-Pr-03 Rev B Proposed Elevations
- 20-044-Pr-04 Rev A Proposed Elevations and Sections

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, 3 and 4 of the South East Lincolnshire Local Plan (2011-2036).

3. The applicant shall arrange for an archaeologist to carry out an archaeological watching brief during all stages of the development involving ground disturbance in accordance with a scheme to be submitted to, and approved by, the Local Planning Authority before development is commenced.

Such arrangements shall include provisions for the observation, recording and recovery of artefactual evidence and post excavation analysis.

Fourteen days' notice shall be given to the Local Planning Authority prior to the commencement of the works. A report of the archaeologists' findings shall be submitted to the Local Planning Authority within two months of the last day of the watching brief, or such longer period as may be agreed by the Authority, and shall include arrangements for the conservation and long term storage of artefacts removed from the site.

Reason: In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site and to accord with Policy 29 of the South East Lincolnshire Local Plan (2011-2036) and the National Planning Policy Framework (2019).

4. No development of the new dwelling shall take place until details of the materials proposed to be used in the construction of the external surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the new building is in keeping with the historic character of the area and to harmonise with the Conservation Area in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan (2011-2036).

5. The render for the converted building shall be coloured off white, a sample of render shall be submitted to and approved in writing by the Local Planning Authority prior to application. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the new building is in keeping with the historic character of the area and to harmonise with the Conservation Area in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan (2011-2036).

6. Prior to the occupation of the new dwelling hereby approved details of the eaves/verge treatment/guttering and down pipes, including method of fixing, to be used in the construction of the new dwelling shall be submitted to the Local Planning Authority for approval in writing. The development shall then be carried out incorporating the agreed details.

Reason: To ensure that the appearance of the completed development respects the special character and appearance of the Kirton Conservation Area and adjacent Listed Building in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan (2011-2036).

7. Notwithstanding the requirements of condition 2 of this permission, prior to the first occupation of the dwellings hereby approved, details of all windows and external doors (including both new and replacement openings) shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include:

- Their design, materials (including sill and lintel treatments), finishes, colour treatment, reveals including cross-section to indicate the amount of proposed recess and opening profile;
- The type and specification of glazing;
- The level and pattern of obscuration (if relevant); and,
- The type and direction of window opening.

The windows and doors shall be installed in accordance with the duly approved details before any of the apartments hereby approved are first occupied, and shall be retained as such thereafter.

Reason: To ensure that the appearance of the completed development respects the special character and appearance of the Kirton Conservation Area and adjacent Listed Building in accordance and protect the amenity of future occupiers from a loss of privacy in accordance with Policies 2, 3, 29 and 30 of the South East Lincolnshire Local Plan (2011-2036).

8. Prior to the first occupation of the dwellings hereby approved details of all walls and fences, including details of their height, design and position, shall be submitted to and approved in writing by the Local Planning Authority. The scheme as may be approved shall be constructed before the dwelling is occupied and retained thereafter.

Reason: In the interests of the character and appearance of the Kirton Conservation Area and the visual amenity of the area in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan (2011-2036).

9. Before the buildings hereby approved are first occupied, details of the size, materials, design and long term management of the cycle parking/storage shall be submitted to and approved in writing by the Local Planning Authority. The duly approved cycle storage shall be installed and made available for use before the building is first occupied and retained as such thereafter.

Reason: To promote modal shift and encourage travel to the site by more sustainable modes of transport in accordance with Policies 2, 3 and 31 of the South East Lincolnshire Local Plan (2011-2036).

10. The development hereby permitted shall not be commenced until details of a comprehensive Contaminated Land Investigation has been submitted to and approved in writing by the Local Planning Authority 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). A full desk top study and a non-technical summary shall be submitted in writing to the Local Planning Authority.

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 take into account the site's existing status and proposed new use. A copy of the site investigation and findings shall be submitted in writing to the Local Planning Authority.

Reason: To ensure potential risks arising from previous site uses have been fully assessed and in accordance with Policy 30 of the South East Lincolnshire Local Plan (2011-2036).

11. 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 to and approved in writing by the Local Planning Authority. 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 Local Planning Authority.

Reason: To ensure the proposed remediation plan is appropriate and in accordance with Policy 30 of the South East Lincolnshire Local Plan (2011-2036).

12. 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.

Reason: To ensure site remediation is carried out to the agreed protocol in accordance with Policy 30 of the South East Lincolnshire Local Plan (2011-2036).

13. On completion of remediation, a copy of a closure report shall be submitted to the Local Planning Authority for approval in writing. 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 in accordance with Policy 30 of the South East Lincolnshire Local Plan (2011-2036).

14. If, during development, contamination not previously considered is identified, then the Local Planning Authority 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 Local Planning Authority.

Reason: To ensure all contamination within the site is dealt with in accordance with Policy 30 of the South East Lincolnshire Local Plan 2011-2036.

15. The water consumption of each apartment 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 (2011-2036).

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. This condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan (2011-2036).

16. Prior to the first occupation of the development hereby approved a scheme of surface water shall be implemented by way of soakaway. If percolation rates for a soakaway are insufficient then an alternative means of surface water disposal shall be submitted to and approved by the Local Planning Authority and implemented as approved prior to the first occupation of the development.

Reason: To ensure the site is drained in the most appropriate way to accord with Policies 2 and 4 of the South East Lincolnshire Local Plan (2011-2036).

17. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (prepared by AF Architecture) and in particular the following mitigation measures detailed within the FRA: -

- Finished floor levels shall be raised 0.15m above ground level; Flood resistance and resilience measures shall be incorporated throughout the development as stated in section 7.0 – recommendations in the FRA;
- The mitigation measures shall be fully implemented prior to occupation.

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).

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: 15-Apr-2021



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

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) 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