



# 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/23/0057**

Applicant: Mr B Duckworth  
C/O Duckworth Land Rover  
Racecourse Garage  
Willingham Road  
Market Rasen  
Lincoln  
LN8 3RE

Agent: Mr Olav Holm - Johansen  
Evolution Design  
The Studio  
Woodmans Cottage  
Swinderby Road  
Norton Disney  
Lincoln  
LN6 9QH

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

**Proposed industrial units, comprising 2 blocks of 4 units each at Land off Avalon Road, Hereward Close, Kirton, Boston PE20 1QR**

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:
  - 407-D-10a Site Plan
  - 407-D-12c Proposed Site Plan
  - 407-D-13b Proposed Buildings - Units A1 - A4, B1 - B4

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. The development hereby approved shall be carried out in accordance with the materials specified within the application form and following drawings:
  - 407-D-13b Proposed Buildings - Units A1 - A4, B1 - B4

The materials shall be implemented and thereafter retained as approved unless otherwise agreed in writing by the Local Planning Authority.

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

4. Prior to development above ground 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
  - Green roofs
  - Wild flower meadows and grasslands
  - Installation of swift bricks, bird and bat boxes and hedgehog gaps

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

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

5. Prior to development above ground level, a scheme of landscaping and tree planting for the site (including screening of bin collection points) shall be submitted to and approved in writing by the Local Planning Authority. The details shall include, inter alia, the number, species, heights on planting and positions of all the trees, 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 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 visual amenity and character in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019.

6. The development hereby approved shall be undertaken in complete accordance with the Flood Risk Assessment (Rev A January 2023 by EWE Associates Ltd) unless otherwise agreed in writing by the Local Planning Authority, including the mitigation measures. The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.

Reason: In the interest of reducing flood risk in accordance with Policy 4 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.

**Date: 17-May-2023**



**Mike Gildersleeves**

**Assistant Director – Planning & Strategic Infrastructure**

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

## **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.

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.

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.

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.

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 sewer sector guidance, design and construction guidance 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