

BOSTON BOROUGH COUNCIL**Planning Committee – 5 August 2014**

Reference Number: B/14/0165 Application Expiry Date 29 August 2014

Application Type: Hybrid Outline Planning Application

Proposal Description Hybrid planning application (part outline, part full) for a single composite development of:

1. A new community stadium for Boston United Football Club including education, community and sports facilities (stadium capacity approximately 5,000) and 3G All Weather floodlit pitch with all details submitted in full including all of the reserved matters and a roundabout junction on the A16.
2. A new distributor road connecting the A16 with London Road, all details submitted in full and including the demolition of Nos 262 and 264 London Road.
3. Re-Alignment of the Town's Drain and extension to Wyberton Sports Ground
4. Erection of up to 500 dwellings in outline with all matters except access reserved.
5. Erection of a food store (Class A1) gross floor area approximately 7,000sq.m and petrol filling station in outline with all matters except access reserved.
6. Erection of commercial and leisure uses (Classes A3, A4 and A5 – restaurant, public house and hot food takeaway) with gross floor area approximately 2,200sq.m, in outline with all matters except access reserved.
7. Erection of a 60 bed(approximate) hotel, in outline with all matters except access reserved.

This is an Environmental Impact Assessment application and is accompanied by an Environmental Statement in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2011

At: Land either side of the A16, south of Tytton Lane East, Wyberton (known as The Quadrant)

For: Chestnut Homes (Land) Ltd and Boston United Football Club Community Interest Company

RECOMMENDATIONS

The conclusion to this report is a main recommendation that the Committee are **Minded to Grant** the application.

In detail it is **Recommended** that:

- A:** Committee receives the 556 signature petition in support of the proposals and takes it into account in considering the application
- B:** Committee is Minded to Grant the application and authorises the application and its resolution to be forwarded to the Secretary of State in accordance with the Town and Country Planning (Consultation)(England) Direction 2009, to give him the opportunity to 'call it in' for his own determination.
- C:** **Either**, in the event that the Minister calls the application in, the Development Control Manager is given delegated authority to organise the Council's evidence to support the Committee's desire to allow this application.
- D:** **Or**, if the Minister declines to call-it-in, delegated authority is given to the Development Control Manager in consultation with madam chairman and the vice-chairman to conclude the planning obligation and conditions in accordance with the schedule of draft conditions and the draft Heads of Terms to any planning obligation that have been considered by Committee and in line with any Committee recorded resolutions.

1.0 INTRODUCTION

- 1.1 At the time of writing, revisions to address the earlier objections from the Environment Agency and the Internal Drainage Board are being considered and it is anticipated that solutions will be found. A revised Flood Risk Assessment and an updated indicative layout of the whole site (the 'Masterplan') and revisions to the re-alignment of the Town's Drain have been submitted. The updated Masterplan is attached to this report together with the 'red line' application site boundary plan.
- 1.2 A Ministerial Direction in the otherwise cancelled Circular 2/2009 means that this planning authority is unable to approve this application without first referral to the Minister. This is due to the size and location of the combined scheme, and that it may not be in accordance with the development plan. The application may be refused without further reference to the Secretary of State.
- 1.3 In view of the scale of this application, a 'Summary and Conclusions' appears first, followed by the main report.
- 1.4 A Supplementary Report will be provided before Committee, setting out a list of draft planning conditions on any approval, the nature of or a draft s.106 planning obligation and an updating report outlining any further representations that have been received since the finalisation of this report.

2.0 SUMMARY and CONCLUSIONS

The Discussion and Conclusions on the principal issues raised by this application are set out in Part 11 of this Report.

The application is an Environmental Impact Assessment application and a Departure from the development plan.

This scheme has been evolving for a considerable period and has been aided by pre-application discussions. Although there remain substantial numbers of representations against the application there are larger numbers in support and that many early concerns have been addressed is an indication of the importance and advantages of pre-application engagement, both with this, other authorities and the community.

There is conflict with or certainly a failure to comply with the development plan as a whole. This is since the Local Plan is not up to date or complete across all the necessary topic headings and it is thus not possible to consider this application only against the Plan.

Overall, as a significant material consideration, the unique nature of this application and the applicants' described urgent need for a new Community Stadium to seek to ensure the continuation of a viable professional football club in the town and the community programme which it delivers, are factors that may support this application. The linked and 'enabling development' nature of this package can legitimately be taken into account in the consideration of this hybrid, outline and part 'full' application. The robustness of the applicants' confidential financial case has been assessed by the District Valuer's Office and found to be appropriate.

Specifically, any effects upon views of Boston Stump (the tower of St Botolph's Church Grade 1 listed) are not significant and I conclude that there is no harm to the nearby Wyberton Conservation Area.

There has been a thorough assessment of what alternative sites might be available but this is limited due to there being no specific unimplemented allocations for housing, sport and leisure, or other mixed use development. Nor can this authority point to any other likely available sites. The applicants' assessment of the Princess Royal Sports Arena and the Kirton Distribution Park is robust and there is no real likelihood of these or other sites being realistic alternatives.

The draft terms of a planning obligation which the applicants are willing to enter into is seeking as comprehensively as possible to provide facilities and funding across a wide range of subjects, despite being unable to fully deliver to the full level on any of the requests. A successful conclusion of any obligation would however be the first time, for example, that this authority has been able to secure contributions towards education and health. The level of affordable housing contribution allows the viability of the scheme and other planning objectives to be preserved whilst delivering a sustainable development in line with guidance at a national level.

There is a lack of a five year supply of deliverable housing land across the Borough. The size of this application is not, in my opinion, the scale of a strategic proposal that should be considered only through the development plan process and, in any event the emerging South East Lincs Local Plan is at least two years away. These factors all point to the need to consider this application against today's policies and the prevailing situation in the Borough.

There are matters of Flood Risk and Drainage whose detail is unresolved but on the basis of an interpretation that the relevant agencies are not objecting as a matter of fundamental principle, revisions have been submitted and negotiations continue. Similarly, although the Highway Authority is presently not objecting in principle, the full detail of its comments will, along with updates on the flood risk and drainage situation follow shortly in a Supplement Report.

It appears at this stage, subject to some clarifications on the conclusions and robustness of the applicants' Retail Impact Assessment, that any impacts upon the viability and vitality of the existing centre(s) will largely be on the basis of like-for-like impacts. That is that supermarket will compete with supermarket and where existing stores are in out of centre or out of town locations, they are not afforded any planning policy protection.

The requisite assessment under the Habitats Regulations has been carried out and the statutory consultee in this regard has not raised any objection. The full comments from Sport England, who have also indicated no objection in principle are awaited and will be combined in the Supplement Report.

Overall, the nature of planning conditions on the recommended approval to the Secretary of State and the likely final terms or remaining options for a planning obligation will follow in the Supplement Report. All other matters addressed across the detailed report are capable of being addressed through on-going negotiation or through the imposition of conditions by the ultimate decision-maker.

MAIN REPORT

3.0 SUMMARY of the APPLICATION

- 3.1 Boston United Football Club's present ground, Jakemans Stadium on York Street, has a reported current capacity of 6,778. It is located across John Adams Way beyond the defined town centre, approximately 1.4km walking distance from the railway station and about 1km from the town bus station. The only available parking at the ground is for permit holders and designated guests on a rough, unmarked surface.
- 3.2 The new proposals centre on the relocation of the football ground to Wyberton. The nearest part of the site to the closest part of Boston town centre (General Business Area) at Haven Bridge is just less than 2km away (1.94km). The centre of Wyberton is approximately 2.5km from Boston's town centre. The village does not have a railway station but can be regarded as being within reasonable cycling distance. Bus services between Wyberton and Boston pass the application site on London Road, running half hourly (B13 Spalding) and hourly (K58) in both directions, six days a week.
- 3.3 In addition to the stadium and community sports hall, the application includes the construction of 500 houses, a new foodstore, commercial and leisure facilities and a hotel.
- 3.4 It is an outline planning application across a combined area of 28.09ha (69.4 acres) on either side of the A16 south of Tytton Lane East, Wyberton on the southern approaches to Boston.
- 3.5 Although the Committee is familiar with outline planning applications, this proposal includes the submission for approval of some or all of the 'reserved matters' (access, layout, scale, appearance and landscaping) across different parts of the site. The statutory definitions of 'reserved matters' are included as **Appendix 1** to this report.
- 3.6 To the east of the A16, proposals for the new community stadium for Boston United Football Club (BUFC) have been submitted with all of the reserved matters. This is effectively submitted as a 'full' application. It includes details of the design and appearance of the education, community and sports hall facilities, the all weather floodlit pitch, parking and access arrangements, landscaping and the roundabout junction and pedestrian crossing on the A16.
- 3.7 To the west of the A16 the 'enabling development' consisting of housing, food superstore, hotel and the commercial/leisure facilities are all submitted in outline and shown in the Masterplan. This means that the information on locations of buildings, their appearance, scale and landscaping, for example, are all 'reserved' for future submission and consideration. The only exception to this is what has been called the first phase of a distributor road to link the new roundabout junction on the A16 to London Road to the west (following the demolition of Nos 262 and 264 London Road). This road has all design details submitted with it.

Hybrid' planning application

- 3.8 The nature of this submission has been discussed at pre-application with your officers and although what I have called the 'hybrid' nature of this application is a little unusual, this authority has dealt with such applications in the past (e.g. Broadfield Lane allotments). The option of two separate planning applications, east and west of the A16 was considered. However, in view of the close proximity of the two sites, that any approval would need to link common factors of timings of implementation (for example) and due also to the financial, 'enabling' link which appears fundamental to the merits of the entire site, it appeared most practicable to submit a single application since the two 'sides' of the site could not be easily divorced from each other. The need for any planning obligation addressing or controlling matters across the entire site would also be more practicable within a single application.
- 3.9 For the avoidance of doubt this is a perfectly acceptable format for an application – it is an outline application but the applicants have chosen by agreement to submit all of the reserved matters for the stadium side of the A16 and not submit the reserved matters for the west (mixed use) side of the A16.

Enabling development

- 3.10 The application seeks the delivery of a new community stadium for the Club which is inextricably linked to the mixed use development on the west side of the A16 since the latter is defined by the applicants as 'enabling development'. That is that the mixed use development of housing, retail and commercial, leisure would not be being proposed without the stadium.
- 3.11 The concept of 'enabling development' has been in front of Committee in the past, when the unsuccessful application (on appeal) at West Skirbeck House proposed housing in the grounds of the listed building to fund what had been described as 'urgently required repairs and renovation to the listed House'. In the context of listed buildings and the historic environment, enabling development is to do with proposals which would otherwise conflict with policy but, in securing the future (conservation) of a heritage asset would outweigh the disbenefits of departing from policy.
- 3.12 It has however been widely accepted by the Secretary of State, and the Courts have confirmed, that the principles of enabling development are not limited to ventures that would protect a heritage asset¹. Enabling development can be a consideration in schemes that are unrelated to the historic environment.
- 3.13 There is no statutory definition of enabling development, nor detailed reference to it in Government guidance, other than in passing in the National Planning Policy Framework 2012 ('the Framework') in the context of heritage assets. However, the Courts have confirmed that a financial contribution whose purpose is to enable other development to proceed may be material, so long as there is a sufficient connection between the proposal and that other development.

¹ R. (on the application of Thakeham Village Action Ltd) v five others [2014] J.P.L. p.815

- 3.14 Thus the principle is that development that is contrary to the development plan, or which would not otherwise be acceptable, can be appropriate if the funding or advantage it releases to enable or protect other valued planning objectives can outweigh that conflict with the plan or policy.
- 3.15 The applicants explain that the success of this project relies upon the provision of enabling development to close the funding gap. The Club does not own the existing Jakeman's Stadium at York Street in the town but has a lease that is scheduled to expire in January 2018. The applicants say that there is little or no prospect of a renewal of the lease since, firstly there are no mechanisms within it for an extension and secondly, they say the owners have indicated they would wish to terminate the lease rather than extend it. The Club will need to have new facilities in time for the 2017/18 season.
- 3.16 The applicants' case is that the Club continues to run at a loss from the stadium which is kept at the level of 'fit for purpose' in respect of the safety certificate. They say that it has high costs with no opportunities for improvement, facilities are inadequate and are shared across different purposes with no specific hospitality or VIP opportunities. The applicants' say that relocation is vital with a new, viable business model and an opportunity for an increased revenue stream. There would be savings on venue hire for the community programme which would be brought all into one location with better merchandising and ticketing opportunities out of quality accommodation rather than the, for example, present shipping container. It is neither viable nor sustainable to remain on the current site.
- 3.17 An objective of the project is to leave the Club debt free and to provide it with a financially sustainable future that would not only safeguard football in the town but continue the growth of its valuable role in the community.
- 3.18 In the absence of any capital or collateral to borrow against, the applicants say the proposal relies on the identified funding gap being met by some form of enabling development.
- 3.19 In this instance the returns from the sales of land in the mixed use part of the scheme – the housing, supermarket, hotel and commercial leisure elements to the west of the A16 (the enabling development) - are designed to bridge the funding gap. The applicants' case is that this need outweighs any objection to what they regard as proportionate enabling development.
- 3.20 It is stated that the FA/Conference requires a club to have at least a 12 month lease in place in order to play in a relevant league. This points to the need for a new home ground for the start of the 2017/18 season and, the applicants say, there is thus becoming an urgency to find a site in the short term.

Environmental Statement

- 3.21 The applicants have voluntarily submitted an Environmental Statement (ES) to accompany the application due to the possibility of likely 'significant effects upon the environment'. Thus, the application becomes an Environmental Impact Assessment (EIA) application which triggers specific publicity and consultation requirements, determination timescales and procedural processes. These are defined in the 2011 EIA Regulations which apply a European Directive to the planning system in England. The potential content of the ES was the subject of a scoping opinion request which was replied to and adopted on 31 January 2014.
- 3.22 The aim of EIA is to protect the environment by ensuring that when deciding whether to grant permission which is likely to have significant effects upon the environment, the decision-maker does so in the full knowledge of the likely significant effects and this is taken into account in the decision making process.
- 3.23 The EIA Regulations² prohibit the granting of permission for EIA applications unless the 'environmental information' has been considered by the decision-maker. The environmental information comprises the ES and all of the representations received, including responses from defined statutory consultees. This process of consideration together is known as the 'Environmental Impact Assessment'. The decision-maker must inform the public of the subsequent decision and the main reason for it.
- 3.24 The aspects of an environment that may be significantly affected are set out in the Regulations and the ES should cover, amongst other things, indirect, secondary and cumulative effects.
- 3.25 When determination involves a principal decision (outline) followed by reserved matters, this is a 'multi-stage consent' process. Whilst EIA should normally be identified and assessed at the outline stage, the need for EIA at a later time cannot be ruled out since it might not be apparent until more detail emerges what the effects might be. It is thus good practice to link with conditions any detail of the scheme that has been assessed at the outline stage to the consent so that future submissions are within the remit of the outline, and thus the effects are known (for example tie any consent to any masterplan or indicative layout).

² Regulation 3(2) of the Town and Country Planning (Environmental Impact Assessment)(England)Regulations 2011

Content of the Application

3.26 The application is accompanied by the following documents and supporting information:

An Environmental Statement (ES) including chapters or appendix documents under the headings of:

- Need and Alternatives Considered
- Landscape and Visual Impact
- Hydrology, Flood Risk & Drainage
- Transport Assessment including Travel Plan and Event Management Plan
- Historic Environment
- Socio-economic Conditions
- Noise and Vibration
- Air Quality
- Lighting
- Ground Conditions and Agricultural Land Assessment
- Protected Species Surveys
- Construction Effects
- Executive Summary of the ES

Two Design and Access Statements (one each for the 'full' and outline parts of the site),

A Planning Statement,

The Statement of Community Involvement

A Retail and Commercial Leisure Statement

3.27 In addition a detailed Viability Assessment has been prepared by the applicants to support and justify the enabling development. This is a confidential developer's appraisal which includes detailed financial information on land acquisition costs, construction costs (including all overheads and abnormals as far as can be predicted), returns, developer's profits, finance costs and sources of funding. The Viability Assessment has been prepared to a format agreed in advance with the District Valuer's Office, now known as District Valuer Services (DVS). The DVS was then commissioned by the Council to provide an independent assessment of the robustness of this appraisal. The conclusions and its implications for the application are referred to later (at Part 11).

3.28 This application is not for development proposals at the existing, Jakemans stadium. The future of the York Street ground does not feature in this application and I am unable to address any questions about what the owners' intentions might be for the present football ground.

4.0 THE APPLICATION SITE & ENVIRONS

- 4.1 The 28.09ha (69.4 acres) application site lies either side of the A16 on the southern approaches to Boston where the A16 runs approximately north to south. The site is wholly within Wyberton parish. The A16 here is subject to the national speed limit (60mph) and is a classified (un-trunked) road consisting of single track carriageway (one carriageway north and southbound). There is a footway on the west side, separated in places from the carriageway by lines of vegetation and a lay-by.
- 4.2 The application site to the east of the A16 extends to some 5.2ha (12.8 acres) and is bounded to the north by residential properties which, with few exceptions, are all bungalows or dormer bungalows on the south side of Tytton Lane East. The land is effectively a single agricultural field with an area to the south of a triangle against the A16 which is outside of the application site. There are no planted features or drains within the site. Open agricultural land lies to the east and south and present field boundaries are defined by significant hedging with some trees. The field to the south is the field with the high voltage electricity pylons running east to west across it, standing an average height of 50m (164 feet).
- 4.3 Tytton Lane East here to the east of the A16 is lit and has a footway on its south side until the properties stop where the national speed limit takes effect. A public footpath strikes off to the south east from here and joins Low Road Wyberton, half a kilometre away. To the north this path meets the A16 in the vicinity of the approved Isaac Newton Drive extension. The curtilage and moat of Tytton Hall (unlisted and unscheduled) is approximately 230m due east of the application site boundary. A field access in the north west corner of the site to an Anglian Water enclosure is the location for the proposed emergency access point adjacent to the A16 / Tytton Lane East (east) junction.
- 4.4 To the west of the A16 the application site extends to some 21ha (51.9 acres). There are residential properties to the north and west which, respectively front the south side of Tytton Lane East and the east side of London Road – the B1397. The southern boundary is defined by the present alignment of the Town's Drain, south of the line of overhead electricity pylons, which is an IDB maintained open watercourse with properties on Cavendish Drive and Clarke Court beyond. There are hedge lines, wet and dry ditches across the site. The south west corner is adjacent to an agricultural/industrial development – which appears to have been chicken sheds but is presently unoccupied.
- 4.5 A number of trees in the rear gardens of Nos 282, 284 and 286 London Road are the subject of a Tree Preservation Order (The Wyberton TPO No.5 (2005)). The south east corner of this part of the site abuts the premises and fields of the Wyberton Playing Fields Association across the Town's Drain. The eastern boundary is again defined by the A16. All of the land is in agricultural use with the exception of Nos 262 and 264 London Road (a detached house and bungalow) which are within the application site and are proposed for demolition to create the access onto London Road.

Statutory or local designations

- 4.6 The combined site does not contain any nationally protected scheduled ancient monuments or listed buildings and no parts of it are within a Conservation Area. The lands are not nationally or locally designated as having any landscape value, the Character Map for England covers the whole of the Borough with the 'The Fens' character area. The Local Plan (para 3.4) says that the Borough is an area of comparatively little ecological or landscape interest. There are no Tree Preservation Orders on the application site. The tower of St Botolph's (Grade I listed building) is visible in views from the south across both sites, some 2.4km to the north.
- 4.7 The Wyberton Conservation Area is centred on St Leodegar's Church (Grade I listed) and Wyberton Park east of The Causeway, some 500m south-south-east of the stadium site boundary. The stadium will be visible in long views from the north west corners of the Conservation Area. Wybert's Castle is a mediaeval moated scheduled ancient monument some 950m south east of the south eastern corner of the stadium site, beyond Low Road and Bunker's Hill.
- 4.8 The first Landscape Character Assessment of Boston Borough (2009) gives the area a 'Settled Fen Landscape' Character Type as a distinctive and intact working landscape with some detractors. The overall sensitivity of the landscape is considered to be moderate with less sensitive areas on the immediate outskirts of Boston due to the urban influence. Any development, the Assessment says, should be designed to fit the existing pattern of landscape and locations of new development should take advantage of the few existing screening elements so as not to further visually clutter the landscape. Future development should be concentrated around existing settlements or near to main roads to prevent any further loss of the rural landscape, and at the same time be designed to avoid the reduction of the openness of views by merging development or the planting of large screening belts.
- 4.9 The applicants' Soil Quality Assessment identifies areas of Grade 1, 2, 3a and 3b quality agricultural land in proportions across the site of 11.8%, 60.6% and 46.9% (3a and 3b). The DEFRA database that the Council has access to indicates the entire sites as Grade 1. It is known however that the DEFRA database is unrefined and rarely indicates variations within a site; there are large swathes of land to the east and south of Boston given as Grade 1.
- 4.10 The combined sites are in Environment Agency Flood Zone 3 with a high risk of flooding and with a 'Danger for All' hazard category. The Council's Strategic Flood Risk Assessment shows the site as having a medium probability of flooding when present flood defences are taken into account. The lands are generally flat with levels of 2.2m – 2.3m AOD, with a lowest at 1.9m AOD and highest 3.1m AOD.

- 4.11 There are no Biodiversity Action Plan registered sites within the application site. The Wash is of international, national and local wildlife importance being internationally designated as a Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site. The Wash & North Norfolk Coast special conservation area, Sites of Special Scientific Interest (SSSI) and in part a National Nature Reserve are included in the national designations. At their nearest point to the application site, Frampton Marsh, The Haven and The Wash, are some 3.6km away to the south east. The RSPB site at Frampton Marsh is a similar distance away.
- 4.12 European Sites are afforded statutory protection under the 'Habitats Regulations'³ and a series of tests have to be followed for schemes that could potentially affect a European site. This is the 'Habitat Regulations Assessment' (HRA) process which this authority has a statutory responsibility to carry out. The HRA is appended to the application file and has taken account of the information from Natural England (para 9.27 below).

5.0 THE APPLICATION IN DETAIL

- 5.1 The principal components of the application which are shown on the indicative masterplan and the detailed drawings where they have been submitted are described as:

East of the A16: Community Stadium where all matters have been submitted

- 5.2 A mix of seated and standing accommodation for 5,000 spectators. The north, east and south stands are single tier standing, each with a single storey spectator concourse module attached to the rear with restroom and concession facilities. The north stand has a maximum height of 6.9m, the east and the south 5.9m. Connected to the south stand is the Community Sports Hall and Fitness Club/changing/dance studio, climbing and café area and the concessions pod, with maximum heights of 10.2m to 8.9m. The cantilevered roofs slope to the rear of each stand and some stands are sunk into the ground to further reduce their overall height.
- 5.3 The west stand is all seated (2,155) with a maximum height of 9.7m. Behind it the two storey BUFC community hub has educational facilities, banqueting suites, a shop, café, hospitality areas, all match changing, concourse, and main entrances. The roof slopes in two directions to the centre with a gradual curve and maximum height of 9.7m to provide a focus and attractive shape, facing the A16. The all-weather community flood lit 3G pitch is to the south of the Community Sports Hall, against the southern site boundary on this east side of the A16.

³ Conservation of Habitats and Species Regulations 2010

- 5.4 '3G' pitches are essentially the third generation in synthetic surfaces. The first generation of synthetic sports surfaces was 'Astroturf' constructed of polypropylene, whilst second generation had wider spaced and longer tufts. 3G has quartz sand and rubber granules layered into the pitch which provides better protection and absorption.
- 5.5 There are 404 parking spaces proposed in this sector of the site, together with disabled, cycle and coach parking. The south stand will be allocated to away supporters. The parking provision is spaced around the stadium, particularly to the north and south and, whilst not in huge blocks, it could benefit from being broken up with some planting since there will be times when the stadium is not in use or at capacity and it is worthwhile to break up what would be larger blocks of hard surfacing. I will deal with the adequacy of parking at paras 5.15 – 5.19 and in Part 11 below.
- 5.6 It is understood that Football League Standards require a minimum stadium capacity of 5,000; 2,000 of which have to be seated. The stadium is aligned on a north-south axis which is described as the optimum range for football at this latitude. The external concourse, outside the secure perimeter of the stadium, enables circulation and accommodation of large numbers of people without going outside onto highways and footpaths.
- 5.7 The landscaping part of the submission is not worked up to a full specification and further details have been negotiated and are likely to have been received before Committee. I have also received confirmation that the significant hedgerows and trees around, particularly the eastern and southern boundaries, are to be protected and retained. In any event it is likely that a full specification would need to be conditioned on any approval.
- 5.8 The proposed floodlighting pylons at the four corners of the stadium are 25m high; those to the outside 3G pitch are 15m high.

Materials

- 5.9 The choice of materials, the application says, is based upon providing a new modern era for the club, a contemporary landmark building whilst reducing the visual impact and seeking to blend into the environment. The most prominent feature would be the ribbon glazing for the West Stand and Sports Hall with various forms of cladding to the main facades, composite cladding with LED lighting to the Sports Hall and perforated and semi-transparent cladding systems at higher levels to provide interest and architectural contrasts.
- 5.10 The concourse modules behind each stand and linkages between the various components are contrasting bond and colour fair faced blockwork with track wired planting systems to reduce visual impact. Coloured entrance doors and portal details provide identification for the entrances, all under light coloured metal profile sheet roofs. These above the terracing are simple cantilevers, whilst on the west side the roof flows over the West Stand towards the Community Hall.
- 5.11 A sample board of materials will be available/on display at your meeting.

West of the A16: the mixed use enabling development where all matters except access are reserved

Access

- 5.12 The new roundabout on the A16 will serve the community stadium – it will be the only vehicular access to it, as well as being the access point onto the new distributor road to the west towards London Road. Here a traffic controlled junction has been designed to be constructed upon the demolition of Nos 262 and 264 London Road.
- 5.13 The first section of the distributor west from the roundabout would be a dual carriageway up to a roundabout located almost centrally in the mixed use area. This second roundabout provides principal access to the development although there are other internal primary access loops serving the wider scheme further west. Beyond this the distributor becomes a single carriageway to London Road. The principal consideration behind the first stretch being dualled is that it would assist in the management of traffic leaving and whilst on the A16 and prevent any tailbacks.
- 5.14 The Transport Assessment submitted with the application concludes that:
- A new footway is to be provided on the east side of the A16 between Tytton Lane East and the new roundabout
 - A Toucan⁴ signal controlled crossing across the A16 north of the new roundabout to provide connection for pedestrians and cyclists
 - The opportunity to improve bus services and a new in-to-town service
 - Additional dedicated shuttle bus services on match days between the town centre and the stadium
 - Introduction of a Travel Plan to increase the number of trips by more sustainable modes of transport
 - Opportunity to produce the first phase of a western distributor road as advocated in the Transport Strategy – at no cost to the County Council
 - Site layout includes a network of quality routes for pedestrians and cyclists
 - 404 car parking spaces at the stadium site
 - Opportunity for linked trips
 - The supermarket will lead to a modest increase in traffic in the vicinity of the site and a reduction in traffic in other parts of the town centre
 - The roundabout and London Road junctions will operate satisfactorily in the 2023 assessment year
 - Other key junctions in the vicinity will operate satisfactorily
 - Peak hour traffic flows at A16/ London Road and A16/John Adams Way junctions are already close to capacity without the development – further impact is minor and not severe

⁴ A 'Toucan' crossing is a type of pedestrian crossing that allows cycles and pedestrians to cross together so 'two-can'. They are generally 4m wide compared to the normal 2.8m wide for pelicans or puffins.

Parking

- 5.15 The principal issue raised over parking proposals is to do with the Stadium. The remainder of the site, west of the A16, is in outline so parking numbers will be assessed at later stages.
- 5.16 The applicants have used previous attendance records, both last season and when the Club was in League Division 2 (until 2007) with presumptions about travel modes to provide four scenarios based upon position in the League.
- 5.17 Boston United currently plays in the Conference North football league which sits below the Football Conference Premier Division. The Conference sits below the Football League, League Two. Thus, any promotion would firstly take the Club to the Conference League and from that successful promotion would take the club to Football League Division 2. The application seeks to consider the implications of promotion on matters such as accessibility, parking requirements and overall impact. Parking is addressed in the Table below.

Scenario	1. Conference North (presently)	2. Conference Premier	3. League Division 2	4. League Division 2 plus 25%	5. Present position plus 25%
Forecast crowd	1100	1500	2000	2500	1375
Parking demand	246	332	442	553	304
On site spaces	404	404	404	404	404
Difference (+ve surplus) (-ve deficit)	+158	+72	-38	-149	+100

- 5.18 Thus, and many representations have commented on this, based upon present league position and attendances, there is sufficient parking capacity (Scenario 1 Table above). Promotion up two flights to Division 2 (Scenario 3) would create a shortfall on site and this shortfall is increased if a 25% 'League 2' factor of a new stadium which may attract new supporters is added (Scenario 4).
- 5.19 In addition, I have also calculated adding 25% to the existing attendance in the current league position (Scenario 1) – i.e. the novelty of a new stadium in the town and the likelihood of higher gates. This gives a gate of 1375 (1100 + 275) which works through to an on-site parking demand of 304, giving a surplus of spaces of 100. This is shown as Scenario 5 in the table above.

Commercial/Leisure development

- 5.20 A 7,000sq.m (gross) foodstore to the west of the A16 with presently no named user. Six indicated Class A3/A4 or A5 units (restaurant/public house/takeaway/drive through) on either side of the A16 with an overall gross floorspace of 2,200sq.m. Units range in size from 200sq.m to 600sq.m although maximum flexibility is being sought at this stage with up to 270 car parking spaces indicative on the Masterplan. The applicants say that two of the commercial sites are already under offer and there is considerable interest in a number of the other sites.

- 5.21 The 'lodge' type hotel is shown as having 60 bedrooms with parking for up to 65 cars.
- 5.22 The applicants have prepared a Retail and Commercial Leisure Statement in support of this out of town retail/commercial leisure part of the scheme. It concludes that although the retail, commercial leisure and hotel uses are 'main town centre' uses they are key to the success of the scheme since without them there would be insufficient funding for the stadium construction. The greatest impact will be on existing like for like food stores (Tesco, Asda and Morrisons) but because of the level of overtrading⁵ this will not be significant so as to lead to any closures. These existing facilities, excluding Morrisons in Boston are out of centre themselves and thus, the applicants say they are afforded no planning protection against impact.
- 5.23 The Retail Study concludes that any impact on Boston town centre will not be significant since the vitality and viability of this town centre is not reliant on food shopping alone and the strength of the draw will continue. The robustness of this Study has been assessed by consultants who prepared the South East Lincs Town Centre and Retail Capacity Study.

Housing

- 5.24 The Masterplan indicates up to 502 properties based upon an illustrative housing mix. The net development area for housing is 12ha, which gives a density of between 35 – 42dph. The Design and Access Statement for the housing area has gone into considerable detail by defining the local character of the surrounding area and using indicators from other settlements to pick out key characteristics and design pointers. Existing landscape features are appraised, views to The Stump and opportunities for vehicle and pedestrian access points from London Road, Tytton Lane East and the A16 frontage are considered.
- 5.25 The open space and recreation/play provision has been designed along existing drains, expanded in part into new swales. The Masterplan then goes into more detail with a hierarchy of streets and site individual components. The Masterplan and Design and Access Statement contain design principles for each of the defined character areas, including street widths, designs and thoughts on building types.

Open Space

- 5.26 Sustainable urban drainage principles (SUDs) have been applied and it is intended that the network of open spaces have the dual use of recreation as well as water management and retention. Formal play spaces across the scheme are also indicated. Local Plan Policy H4 requires that appropriate proportions of total site area are devoted to open space. The Supplementary Planning Guidance (SPG) to this Policy, which was updated in April 2012, defines this as 7.5% of the gross site area. Overall the level of green open space for the residential areas is proposed at some 4.4ha which is significantly in excess of the 1.1ha which the SPG would seek.

⁵ 'Overtrading' is a term to show that a store has a turnover higher than expected benchmark/ fascia averages at the expense of the qualitative shopping experience giving rise to more crowded stores, bigger queues and access problems when compared to centres that are better provided with retail space.

Flood Risk and Land drainage

- 5.27 The flood category of the site (Flood Zone 3a) and the nature of the proposed uses mean that protection from this is being proposed by raising finished floor levels and ground levels. The amount of raising would be between 1m and 2m. Flood resilient (allow water in and design for quick recovery) and resistance (resist water entry) techniques are also to be employed. There will be land raising to 5m AOD in parts- that is by between 2.7 -2.8m. Properties that are not on such platforms would have their ground floors reserved for less vulnerable uses. A new Flood Risk Assessment (FRA) has been submitted to seek to address the Environment Agency's objection, on the basis that it had said the objection could be overcome by a new FRA.
- 5.28 The draft surface water Drainage Statement shows that infiltration into the ground will be the primary method of surface water disposal. All domestic rear roof areas, domestic curtilage drives and parking areas will go to soakaway whilst the adopted roads and front roof areas will be connected to the onsite watercourses.
- 5.29 For all of the other areas permeable paving and sub-surface reservoirs will be used so that the natural infiltration will replace piped outfall to watercourses with some provision for alternative arrangements in excessive surface water conditions.
- 5.30 At present there are no proposals to discharge any surface water into any of the public sewers, principally because there are no surface water sewers in the vicinity of the site and it can be dealt with using sustainable urban drainage principles (SUDs).
- 5.31 For foul drainage, there is some capacity for pumped flows into the existing network on London Road but all remaining flows will need to go to Frampton Water Recycling Centre (WRC), 1.7km to the south – where Anglian Water has confirmed that there is capacity. A new foul pumping station will be established on site and costings and timescales for the necessary off site pumping main which will need to be provided, together with a foul water strategy to address future capacity are continuing.

Planning obligation

- 5.32 The nature of the s106 planning obligation to accompany any approval and to secure the payment of contributions towards, for example, affordable housing, education, health, transport, Wyberton Playing Fields and other matters that cannot be dealt with planning condition are to be finalised and reported with an update to this report. Presently there are a number of options and these are explored at Part 11 below.

6.0 THE APPLICANTS

- 6.1 The joint applicants are Chestnut Homes (Land) Ltd (CHLL) and Boston United Football Club Community Interest Company. CHLL has been set up specifically to deliver the Quadrant project and would be the lead developer to deliver the infrastructure across the entire site, working alongside the Club to assist in the construction of the stadium. Chestnut Homes gained control of the Club in 2007. The applicants have explained that the stadium land will be taken on a long leasehold basis by the Community Interest Company and the stadium leased to BUFC at a viable rent, with a sub-lease to Boston United Football in the Community.
- 6.2 The applicants entered into a Planning Performance Agreement with the Council in October 2013 which set out a draft programme of key stages in a common approach to cooperation in the planning application process. It also included a payment to the Council of £3,500 to assist in resourcing the consideration of the application through assessment of some of the more specialist reports.

What is a Community Interest Company?

- 6.3 A Community Interest Company (CIC) is a limited liability incorporated company with the specific aim of providing benefit to the community. The assets of a CIC, subject to it meeting its obligations, are the subject of an 'asset lock' which means they must be either retained within the CIC or used for the community purposes for which it was formed. Asset lock provisions must be included in a CIC's articles of association. If the assets are transferred out of the CIC, the transfer must meet defined legal requirements⁶.
- 6.4 The applicants say that this proposed ownership structure ensures that the stadium stays with the CIC with a long term asset lock, irrespective of the fortunes of BUFC. The CIC is a holding company for the community asset so that the community facilities in the shape of the Community Sports Hall and the all-weather 3G sports pitch can remain available to the community. Boston United Football in the Community is the existing and separate non-profit making organisation that delivers the community programme on behalf of the football club.
- 6.5 On the west side of the A16, residential developers and Chestnut Homes Ltd would purchase ready serviced parcels and phases of the development from CHLL. An option on the first 5 acres is in place for Chestnut Homes to purchase subject to planning. Retail and commercial leisure operators would bring forward their development following purchase of serviced plots from the applicants.

⁶ See for example: Leaflet: Frequently Asked Question for Funding Organisations. Office of the Regulator of Community Interest Companies. 2013 Department of Business Innovation & Skills
www.bis.gov.uk/cicregulator

7.0 RELEVANT SITE HISTORY

- 7.1 A number of representations have referred to previous applications on all or part of this site. There have been no applications anywhere on the site since 1992 and it appears that an outline application was submitted on the land in 1980.
- 7.2 There were previously four applications football club by Lavaflow Ltd in 2005 which have also been referred to during the life of this current application. These were a full application for a new BUFC 7,500 seat football stadium at land off Boardsides; outline application for the residential redevelopment of the existing BUFC ground at York Street; outline application for the residential redevelopment of the Boston Town FC ground at Tattershall Road and a full application for a new stadium for Boston Town at Wyberton Low Road (application ref B/05/0845, 0844, 0843 and 0842 respectively). These applications were all considered by a special meeting of the Planning Committee held on 4 December 2006 at the Boston Conference Centre.
- 7.3 These applications were all refused and today have little or no bearing or planning relevance to this current application. It is however worth noting that the reason for refusal for the Boston Town stadium on Wyberton Low Road (at its junction with Tytton Lane East) related to the unlit nature and width of Tytton Lane East which would not accommodate traffic associated with the stadium. The refusal at Boardsides for the new BUFC stadium referred, amongst other things to the lack of a business plan and that a shuttle bus into town on match days for two years was inadequate to mitigate transport impact.
- 7.4 Otherwise there is no similarity or connection between the sites since planning policy and guidance has changed so significantly with the abolition of the Regional Strategy (in April 2013), the abolition of the Structure Plan (March 2009), the Interim Plan was not proceeded with and the plethora of PPGs and PPSs that have all been replaced. This also applies to those older records across the application site itself.

8.0 REPRESENTATIONS

- 8.1 The application was publicised with neighbour letters to all properties that share an application site boundary (14 May), eight site notices were posted on 29 May and the requisite press notice was published on 21 May. Further neighbour letters to properties east of the A16 were sent dated 5 June 2014. To date a total of 211 letters and emails of representation have been received. Based upon current numbers, some 22% object to the application and 78% support it.
- 8.2 In addition a petition has been submitted from the Boston United Supporters Association which reads that:

“I support the planning application for The Quadrant (ref B/14/0165) because it will deliver a secure and sustainable new home for Boston United Football Club and its extensive community and education programmes”

- 8.3 The petition has 559 signatures contained within it. Thus the officer recommendation includes that Committee receives this petition and takes it into account in the consideration of the application.
- 8.4 The presentation to Committee will include plots of where the representations have come from and this part of the report seeks to summarise all the comments that have been received at the time of the finalisation of this report. All further receipts will be reported verbally to the meeting. Our letter of consultation does make it clear that all representations received are capable of being made public and cannot be treated as confidential.
- 8.5 In considering the summaries, Committee is asked to be mindful of the nature of letters or mails of objection or support in that the former often go into some detail and under various headings. By contrast the majority of those in support have been submitted via the on-line method and are often much shorter or a single line.
- 8.6 A list of addresses, where they are known, and also from beyond the immediate neighbours of the application site, where representations have been received from is included at **Appendix 2** to this report. Throughout the summaries that follow Tytton Lane East is abbreviated to 'TLE'.
- 8.7 The forty-four **Objections** may be summarised under the following headings:

SUMMARY OF OBJECTIONS

Parking

- There is a lack of parking for both the stadium and the housing, and the applicants acknowledge there is a shortfall. 404 spaces proposed is inadequate and ridiculous for 5,000 seats; visitors will come by car but nowhere to park them...where will they park
- Ratio of cycle parking is wrong
- Will lead to parking outside of existing houses and in the narrow lanes
- Is this to be controlled with signs on match days or yellow lines, we don't want unsightly highway furniture and road markings
- Parking charges on the site(s) will put pressure on existing roads, as will the roundabout
- Not in The Conference, why need 5,000 capacity

Access, Traffic and Transport

- Traffic congestion would be alleviated only if the proposal was either the east side of Boston; to the north of Boston where this is needed and the traffic is better; road needs to go south east linking the A16 to the docks; or to the Kirton side of Wyberton via Ralphs Lane; the distributor road isn't needed
- A town centre ground would make the town vibrant where people can walk
- Effects from traffic will not just be on match days, events every day and evening will put Boston in total gridlock
- People won't use cycles or footpaths, they will stay in their cars and it is too far to the rail station to expect it be used, there are no buses on a Sunday
- The A16 was built to take traffic away from London Road; the new link will bring it all back
- The A16 is congested back to Kirton and the roundabout will exacerbate this, a roundabout is not needed; drivers use Causeway East, TLE, Low Road and West End Road to miss this, some of which have a weight limit and are presently used for outdoor pursuits
- The emergency access onto TLE is an issue, what is to stop it being used all the time
- Fundamental issues and errors in the Transport Assessment, omissions, selective nature of presented information needs correcting before any recommendation, for example the sustainable travel assumptions are inconsistent and misleading; the traffic surveys are unrepresentative and unrealistic; trip generation comparators are not representative and underestimations. No Road Safety Audit has been presented and the modelling has not been validated and does not represent baseline conditions
- TLE is already busy in the morning and evening peaks and serves as a rat run, and when the A16 is at a standstill; current speeds limits are not respected. TLE will be used by visitors since sat nav systems will direct them this way, and by new residents going to B&Q, Oldrids, Homebase and Tesco
- Road goes through the middle of housing and play areas; being used as a bribe to countenance an unsafe development or where the impact has not been established – there are already links between the A16 and London Road
- A route around the back of all properties on TLE, Low Road and Clarke Court would enable people to walk to facilities without using roads
- Existing roads are in a poor state of repair; Slippery Gowt will be used, conflict with different vehicles for the tip, the school, or houses
- The junction of TLE and the A16 is an accident black spot where there have been many deaths, the stadium is a danger to this junction, visibility getting out onto London Road and the floodlights will blind users of the TLE junction. The bollards at this and the Saundergate Lane junctions were put there as a result of fatalities, danger to cyclists and pedestrians

- There is no footpath beyond houses on TLE; needs footpaths and cycleways from Marsh Lane
- Construction traffic and compounds – how will it be controlled, debris and mud on the roads
- Traffic speeds on TLE from Wyberton Low Road have been the subject of petitions in the past when drivers ignore the change from 60mph to 30mph; speeds on A16 need reducing from TLE to the new roundabout
- Against it until new roads and infrastructure put in place and traffic problems solved – need the ring road first
- A simple accident in June caused chaos for five hours

Food store and commercial development

- There is no need for the food store – not enough spending power, it would be better located on the east side of Boston, it will just continue to pull traffic across the town. There is already enough and Somerfield half a mile away has closed
- The South East Lincolnshire Local Plan says there is no need for a supermarket until 2021 or after
- No need for the pub and restaurants; already have three within walking distance and they should not take precedence over the need for school and health facilities,
- Supermarket will lead to the closure of the Kirton PO and Spar shop
- there are more than adequate outlets selling alcohol, no more are needed

Economic/Town centre considerations

- The town centre needs investment where shops are closing, jobs are being lost and people are travelling further to find work; seems unnecessary with other retail parks underutilised, out of town is an old concept and will damage a thriving market town
- The enabling development does not need to be so close to serve its function
- Boston's ground should be better located to serve a whole area, it should be in the town that the club represents. It will not be visited out here
- Out of town centres are catastrophic for local economies, it will impact the town
- It would leave a hole with no equivalent replacement in the town centre, be sad to see the Club go
- What guarantee is there that the stadium will not be sold off later on, after having used community money to fund it

Residential amenity

- Smell, dust, construction noise and noise from more traffic, from matches and week night games, the A16 and 500 houses
- No sound or light pollution surveys have been undertaken
- Floodlighting and their effect upon road safety and light pollution towards TLE bungalows
- The lifting of ground levels will block out views and sunlight, loss of privacy in overlooking of gardens
- Wyberton will be changed forever and will have a huge impact on the open countryside which will be blighted, completely lose its identity, this is a village of narrow winding lanes
- Must only be used for football; no concerts...how will any use of the stadium for concerts be controlled
- How will any two-storey limit on housing be enforced
- How will antisocial behaviour from match goers be controlled, security to rears of existing properties will be compromised
- A view over open fields for more than 25 years will be lost, will cause overlooking and more so if properties are lifted up by 1m
- Inadequate fire fighting water supply

Flood Risk

- Development 1m out of the ground means that existing residents will be sitting ducks for flooding which will be exacerbated
- The Flood Risk Assessment is unacceptable according to the Environment Agency
- This area was almost flooded in 2013 and the events of December 6 were a wake-up call
- Where will the rainwater go when this large arable field is concreted over
- How would a 5,000-seater stadium and 500 houses be evacuated
- Existing safety will be jeopardised when this area has never flooded before
- The Town's Drain is initiating settlement and the banks are failing, this will exacerbate the problem
- Drainage is all to be joined up which will be a problem, likelihood of insufficient capacity at Frampton WTW, and plus the recent approval at Kirton

Community facilities

- There is not capacity left at Wyberton's primary school and no provision being made; will there be sufficient play space
- The east side of town around the Pilgrim Hospital lacks facilities
- All doctors, schools and dental facilities are oversubscribed; their availability is almost non-existent, schools are all full and overflowing. Residents struggle to get appointments and a further population of c.1500...how will they all cope
- Understand the need for housing but the quantity of housing will not be supported by local facilities and schools and doctors should come with it
- All of Boston's problems are down to numbers and facilities have no chance of coping. All this must be in place before hundreds of residents become regularly gridlocked

Princess Royal Sports Arena (PRSA)

- Facilities should be shared at the PRSA as a 'leisure quarter' where it will have less impact and it's the most obvious location, or with Boston Town
- A location at the PRSA would relieve congestion on the A16 and London Road- it has not been given serious consideration
- Land problems could be overcome by compulsory purchase
- Teams that play United come down past the PRSA
- It will compete with the PRSA and Kirton secondary school

Consultation/Referendum

- Nobody at the meetings has supported this, where do the applicants get their 76% support from
- Why do we only get 2½ weeks to make comment when the applicants have had 2½ years
- 9 out of 10 voted against, this speaks volumes against a developer coming to a village to destroy the locality

Ecology

- Effects upon wildlife, monk deer and woodpeckers - adequacy of surveys
- There are known bat foraging areas across the site
- Frampton Marsh Reserve is only 1½ miles away, were the RSPB consulted

Policy

- The South East Lincolnshire Local Plan which is used to support the site as a preferred broad location has not been adopted, existing policies do not identify this site and thus there is no planning policy to support or justify this development; this is premature, the Local Plan is the best place to consider this folly
- It's not in accordance with the Transport Strategy
- This may be one of many suitable locations for housing but population should be balanced around the town; there are other recent housing consents across town, are they all just being land banked
- A new village centre for Wyberton should be the focus but it would need a true balance of housing, retail, services, education and a transport hub

Other matters

- Shouldn't be funded by rate payers and what happens if the club fails
- there is nothing here but temporary solutions, no public sewer, no water, will be a flooding issue for years to come
- The practice of firework displays at BUFC should be discontinued in the open countryside
- Clarke Court has endured this kind of application before
- It's a heinous, bad idea for a small village
- How much is being paid into a community fund
- How can it be in two parts, one cannot be built without the other and; they are clearly different, housing and stadium should be considered as two applications

8.8 The Wyberton Quadrant Action Group (WQAG) has sent a sequence of representations (included in the forty-four) against the application, including a seven page letter. The Group's comments may be summarised as:

- Insufficient parking for a 5,000 seat stadium
- If parking is to be used at the commercial properties, these parts should be a part of the full application and agreements reached to allow such parking – and then the Stadium and retail built at the same time
- Applicants claim PRSA is not suitable since it is in the countryside, is not Wyberton in the countryside? and it's not in a growth area, there is a train stop at Hubbert's Bridge. There is land available at the PRSA and no reason why football and rugby cannot mix
- What does Sport England say, is there a need for new sport facilities
- The flood risk categories of High Risk, Danger for All and High to Moderate risk...how will the proposed householders get insurance
- Causeway East is a rat run when the A16 is congested, a roundabout will lead to this short cut being used more often. The Causeway should be cul-de-sac'd
- Angle of stadium will have floodlights shining on TLE junction, serious danger

- SUDS are being designed for the housing but how will surface water be dealt with on the stadium site
- Even with the payments the applicants are being asked to contribute for schools, this will not be available for Wyberton since there is no room to expand
- Lack of / low water pressure
- There is no capacity at Frampton waste water treatment works, there are another 120 homes approved at Kirton, will this cause backups

Specifically on the Transport Assessment the Group says:

- Numerous fundamental errors making the Report unfit for identification of the impact of the development, correct and impartial information on impact should be obtained before making a recommendation
- The South East Lincolnshire Local Plan cannot be used for justification of this development and there are no adopted planning policies that support this development
- The walking isochrones are incorrect and misleading; the bus services are not 'frequent' and not correct to assume high public transport usage
- Traffic surveys are not representative of average conditions given the day of the week and coincidence with school holidays when they were taken, contrary to standard industry practice
- On trip generation cannot compare schemes from different counties and the ten sites in the TRICS analysis are not comparable and it is underestimating trip generation by at least a factor of 100%
- On parking, the shortfall of 149 spaces in one scenario must be resolved or any permission conditioned to address parking
- The applicant has done nothing to indicate how the current speed limits could be enforced more rigorously
- Additional traffic at junctions will exacerbate the existing accident record
- The traffic models do not reflect the current way in which the network operates, the baseline modelling has not been validated and it should be undertaken for both the design and opening year; not clear if the proposed Toucan is included in the model
- This cannot be acceptable just because the first stage of a Transport Strategy road link is to be provided, the later parts of which may or may not come forward
- In conclusion, the Group say the TA needs significant reworking and a list of further requirements to be addressed is provided which should, they say, preclude any recommendation being made

8.9 In addition, planning consultants have also made representation on behalf of the WQAG. Their comments may be summarised as:

- The late submission (May this year) when it is known that the lease expires in 2018 leaves little opportunity for reconsideration and puts the Council under pressure to support this proposal
- Notes the prematurity of the LEP announcement over funding which pre-empts the planning decision, and putting further pressure upon the Council
- Bringing together the package as enabling and given the lack of a five-year supply makes it more likely that the application will succeed
- That the enabling is the minimum likely suggests that quantities of housing and commercial may well need to increase to provide more funding
- Comments upon weight to be given to plan policies and national guidance and then assesses saved policies in detail
- Due to the nature and scale and the traffic generation, spectator noise and floodlighting, the underestimation of the number of times the stadium is in use, lack of on-site parking for 2,500 spectators, first come first served charged parking means that spectators will park in surrounding roads and any measures that are employed will prevent bona fide residents from parking outside their homes
- The distributor road is only necessary to provide access to the development rather than being any part of longer term access beyond (to serve Q2), it will be seen from the outset as an alternative route from the A16 to the A52 and be taken over by large goods vehicles
- Granting permission here is an incorrect interpretation of Policies R8 and R9; it is not essential in a countryside location and land requirements are not extensive. Football stadia are urban developments and it is inappropriate to introduce them into the countryside. The development will significantly harm amenities of adjacent land users and it is not supported by Policy R9. On Policy CF3 the stadium it is said will cause match day parking problems and the means of delivering the community programme is incompatible with the area, and it does not need a stadium to continue successfully
- The lifting of housing to address flood risk will impact on existing residents and the application should be refused because of the increased risk to existing residents
- The scheme will impact on local centres Wyberton, Kirton and Sutterton and Boston Town centre where there are empty properties will have its trade damaged in the same way that Springfields damages Spalding

8.10 In conclusion, the objection says that this will impose a much larger modern stadium that exists at York Street upon another community. The enabling development and the Distributor Road is in effect only to serve 500 houses and will impact on TLE, London Road and Clarke Court. The Group believes that this is not in the best interest of existing homes and it looks forward to the refusal of the application.

8.11 Planning consultants have made representations on behalf of Broadgate Homes Ltd. Whilst they reserve the right to comment further in due course, they suggest that the proposals should be properly considered through the local plan process and conclude overall that:

- The size and scale has strategic implications and this alone renders it necessary to have the development considered together with other strategic options for Boston in the emerging local plan process
- It is unclear how much of the enabling development is required to fund the stadium
- The suggested method of securing delivery lies outside of the scope of the planning process
- These difficulties, that the commercial component is purely speculative and the high infrastructure costs raise doubt over whether the housing component will assist housing need over the next five years

8.12 The one hundred and sixty-five representations in **Support** of the application may be summarised under the following headings:

The Applicants/Process/Design

- Impressed with the plans, residents' concerns have been put at the forefront. Well thought out over twelve years of planning. Applicants tried to address issues before submission; willingness to address sensible concerns as raised; lots of thought, investigation has gone into application
- Technical issues will be addressed within normal planning process and own comments were taken on board during the stadium workshops
- There has been attention to detail, with the use of specialist professionals, comparisons with Poundbury and will significantly enhance the area and its design
- Excellent opportunity to bring new blood. Visionary, from a very worthy local company, done an incredible amount of work. They have an excellent track record in the town, a chairman with a prudent approach to finances, been prepared to battle for some stability, will give a long term commitment and willing to invest –will be an excellent tribute to their efforts
- One of the best laid out, open and honest consultations with all involved
- Any design matters can be dealt with since this is outline
- Attractive entrance gateway to the town creating a favourable impression, a symbol of Boston's status, gives a feel good factor for the village and attracts visitors

Consultation/Referendum

- In the first 24 hours of the release of the petition to support the application, it gathered almost 400 signatures
- Low turnout of the referendum (18%) suggests that the majority are not fussed – the 423 voting against it is only 0.7% of the population of the Borough and 12% of the population of Wyberton. It is evidence that the majority of people are not against it; the Council should do a door to door consultation as only the objectors are being vocal

Location

- Perfect place for the stadium, a fantastic platform for the club
- Provide better access for a large number of supporters and visitors where there is a lack of parking at existing ground – this is an appropriate relocation

Facilities and Amenity

- An immediate neighbour would prefer it didn't proceed at present but, on balance can see the merits, but parking needs addressing immediately to prevent parking on TLE and from it becoming a rat run until the road is completed to West Wyberton (not 100% in favour but give provisional support); the greater needs have to come first
- Any effects on residents as a result of games will be 21 league games and 2-3 cup games per season, traffic will be well policed and supervised, concerns not borne out by own experience
- Some sympathy for those that live nearby but having spent time looking at the plans, fears are unfounded and the benefits outweigh concerns
- Provides great opportunities for children of all ages and abilities
- Having experience of being unable to recruit to the Pilgrim Hospital, it is important to project the area as an interesting and progressive place to live, having a vibrant local sporting scene is vital
- New housing will increase the population and their spend and the New Homes Bonus that the Borough will receive is vital to fund community facilities and investment
- Future benefits clearly outweigh negativity from others, scheme is full of benefits including a safe haven in case of flooding
- Enthusiastically welcome but concern that Wyberton Sports Club has no additional parking, it's a misery for Causeway residents
- Support it but it should include a medical centre
- A supermarket will make it a more enticing place to live, it can serve the local area better and the future of the Post Office; new shops and restaurants will improve local options for eating out and bring a revenue stream from visitors supporters, save travelling to Springfields or Grimsby

Future of the Club

- A desperately needed facility for the club and for the younger generation and it should not be thwarted by 'nimbys', the minority should not shout this project down
- It's aspirations are well founded, their away support is the best in the league
- If the stadium is not built it will mean the end of the Club and 70 years of a historical Boston institution
- The Club won a National award of Community Club of the Year in 2012, this year they made the national final; facilities are needed to continue award winning community programme in a new ground which the town can be proud of and receive local support from for generations to come
- Home support for the club generates more interest in the Boston area than any other single club or society - Fans say this is a fantastic opportunity to safeguard the club's future, better facilities for the players and fans. The Centre of Excellence and its Community Programmes has a broad outreach - the Positive Pilgrims and the Cheer Team, netball, dance and cycling teams makes the club a part of the town's fabric and let them continue to provide for the young – this is evidence on how it engages with the community
- Ground rent at York Street is astronomical, it is no longer an option, they have to leave by 2018, this will help the Club and everything that would be built alongside it; release existing ground, although it brings happy memories, for new development
- Boston United gives good publicity, towns are put on the map because of their team, should not underestimate the goodwill factor of a local team in the community
- Club needs to survive in a thriving forward thinking town and cannot imagine Boston without football, their future lies in this being passed. The new Hull stadium is an example of how a town or city can be revitalised – this was a joint enterprise that put Hull on the international stage

Access, Traffic and Transport

- The Club needs a new ground accessible to the A17 and which will alleviate traffic problems
- Will bring Wyberton closer to Boston and help redevelop the London Road area, a great addition to this side of town – Wyberton people can use the various facilities, it's not an isolated village, it can take and absorb these new homes
- Located close enough for walking and cycling to matches and there are existing bus routes – contrast this to the PRSA where travel is by car or organised transport
- Will ease pressure on Liquorpond Street roundabout, Main Ridge and John Adams Way areas, better access and not tucked away as it is now, relieve traffic in the town and create the first section of a new link which is much needed

- Provide the impetus for more roads, the link will make passing through town easier and a good start for a distributor road; without this scheme traffic will pass the town and investment would be lost
- Confident match-day parking concerns can be resolved

Policy

- The enabling development and the urgently needed housing will make a huge contribution to help people get onto the ladder, help to focus on the need for new homes towards Government targets (4,520 between 2011 and 2031), stabilise prices, is of major importance in addressing the shortage of affordable homes; jobs and houses are few and far between
- Any concerns over the scheme do not 'significantly and demonstrably outweigh the benefits' - which is required in the NPPF in order to reject an application
- Housing will be built and there is a need to build on the town fringes if targets are to be met

Economic/Town Centre considerations

- Will provide much needed revenue, better local services, investment, 460 FTE and construction jobs, support to local businesses and services and encourage more development. Should support schemes that create employment
- It will benefit the whole community, not just BUFC and could entice ex-pats to return and encourage newcomers to the town
- Look at the example set by other towns and Councils and their promotion of their football clubs; this is the next stage of Boston's growth to promote it as forward looking, thriving and modern – rather than stagnating with only piecemeal developments
- Will change the town from a backwater home of obesity with no communications to a key community ripe for regeneration- Boston will be brought to the forefront of Lincolnshire towns to keep us ahead of Grantham, and Spalding
- Will be a fantastic facility, beacon for local sport – perhaps not as famous as Boston Stump but a factor to promote Boston, on the southern approach and gateway into the town
- Opportunity to develop offices for rent to complement the Marsh Lane area
- Give the town a first class sustainable facility, state of the art and sport facilities; to take Boston the community and the Club into the 21st century and tap into tourist markets with the waterways scheme
- Urge the Council to approve it, be remembered for making a change, hit the headlines for the right reasons, the town cannot afford to turn it down, the town needs development and to regenerate the southern area, back the club 100% and allow the town to move forward, 'Be Proud be Loud of your Town'

9.0 CONSULTATIONS

Wyberton Parish Council

- 9.1 The Parish Poll called by the Parish Council held on 19 June to vote on the question "Do you want the development known as The Quadrant to be built?" recorded an 18.76% turnout with the result that 483 said 'No' and 77 said 'Yes' (86% against).
- 9.2 The Parish Council has yet to finalise the formal response on this application that will likely be read out to your meeting but I will endeavour to circulate it to Committee if it is received in advance. I understand that when the Parish Council voted on the application the vote was 7:1:1 against the application. I have therefore not received any detail or opinion as to the nature of the objection from the Parish Council.

Boston Borough Council Housing Authority

- 9.3 Supportive of the application over a number of consultation responses as the details have been refined, the principal consideration has been with respect to the proportion of and type of affordable housing.
- 9.4 In conclusion the authority's position is that
- the 2012 Strategic Housing Market Assessment (SHMA) showed that at least 50% of all new houses need to be affordable to meet identified need
 - the Council's current Affordable Housing Policy (30%) although long in the tooth, and not statutory, has been approved by the Council and accepted by developers for many years
 - since 50% affordable would be unviable and since the DVS has shown that 25% affordable is viable (with 12% shared ownership and 88% affordable rent), if the £1m Housing Unlocking Fund is included - this is the preferred contribution
 - seeking 25% affordable is thus negotiating a realistic compromise as 30% (the current policy) is not viable, and our need for affordable housing in terms of tenure mix has changed
 - the site specific District Valuer's viability assessments provides us with the evidence to support the case that we are ensuring affordable housing levels to enable viable development to proceed
 - an alternative of 20% affordable, if delivered as all affordable rented, would not address our need for affordable housing sufficiently (as identified by our last Strategic Housing Market Assessment 2012) although if the Housing Unlocking Fund was not obtainable this would be reasonable
 - the applicants' potential preference for a 20% contribution, it says, is based upon the January 2013 Economic Viability Assessment which provided this level in the Preferred Options and was a broad viability assessment based on the market a few years ago and needs to be revisited regularly with site specific assessments for larger sites providing the definitive information

Lincolnshire County Council: Highway Authority:

- 9.5 The full text of the highway authority response will be provided in the Supplement Report which will be available before the meeting.
- 9.6 At this stage the combined comments from across the Authority can be summarised as:
- it is acknowledged that the development will generate significant amounts of additional traffic movements, that is why it was necessarily supported by a Transport Assessment
 - the Authority has concluded on balance that the impacts are not so severe that there is justification to request refusal
 - any approval should however be accompanied by, at this stage, eight planning conditions and a planning obligation
 - the roundabout and junctions are satisfactory and sufficient to provide access
 - the extent of frontage to the A16 is sufficient to enable the provision of the roundabout but a detailed design will be required
 - similarly, the proposed junction to London Road would need a full technical design and to include facilities for pedestrians and cycle movements through the junction
 - there is no evidence of a need to accommodate traffic movements between the A16 and London Road that would then have unacceptable traffic levels on the distributor. Thus there are no reasons to condition when the junctions or the link between the two is opened. They do however have to be fully completed before any parts of the development could be served from the junctions
 - the uncontrolled crossing at the TLE desire line should be upgraded to a Toucan
 - the review of speed limits if the development goes ahead will be a function of the highway authority
 - the Transport Assessment is a thorough investigation of the impact of the proposed development, a fair assessment of existing conditions, representative of levels of growth and the use of the TRICS database is reasonable and consistent with other Lincolnshire development proposals
 - impacts on some junctions show an increase in traffic but not to an extent that mitigation measures would be required; they will operate perfectly well for the majority of times with minimal queuing
 - the way in which the shortfall for stadium parking will be solved is wholly unsatisfactory; however, Scenario 4 presumes on-field success which will not be in place in the first season of opening and monitoring, local traffic control, temporary restrictions are all within the Authority's arsenal of measures to mitigate adverse impacts
 - for extra ordinary fixtures a management plan will need to be secured through the planning obligation

- 9.7 Overall, the Authority acknowledges that this will unavoidably have an impact on the surrounding highway network. The most significant traffic impact will be at the A16/London Road and A16/ A52 Liquorpond Street junctions. Mitigation can be achieved by a combination of public transport improvements to be subsidised by this development, a comprehensive Travel Plan and other footway, Toucan and shuttle bus provisions to ensure genuine alternative transport choices.

County Council: Strategic Planning and Major Developments Manager

- 9.8 A part education contribution is sought based upon the number and indicative types of dwellings proposed. A level of contribution of £857,009 is sought to address the impact upon Wyberton primary school which is projected to be full to permanent capacity notwithstanding this development. This would allow additional physical capacity to be created as a result of a calculated 76 primary school places arising from this development. The Manager advises that he is satisfied that Wyberton is not presently taking significantly more children than reside locally and thus the extra demand also needs to be addressed locally.
- 9.9 The monies would be held by the County Council and only spent at Wyberton Primary School. It is suggested that this is paid at the halfway point in the development which would be controlled by a planning obligation.

County Council: Assistant Director and Public Health Consultant

- 9.10 Would support the Environment Agency that flood and water management issues need to be addressed. Phasing of the site is important so that new residents can take up any on-site employment opportunities to minimise travel movements and commuting. Notes that good pedestrian routes are provided but more should be done to secure the bus redirections.
- 9.11 Believes there is a need for road calming at the new London Road junction and measures to prevent accidents. The design around pedestrians and cyclists is welcomed but would support Highways comments about safe crossing of the distributor and the A16.
- 9.12 There is good use of green space to break up the site, would like to see outdoor gym facilities, community gardens, edible fruits in landscaping and community access to the sports ground. Pond maintenance need establishing at the outset, and their safety. Housing densities should include minimum space standards and lifetime home standards.
- 9.13 The mitigation of noise, lighting and air quality in the ES should be in the detailed design and the EHO comments in terms of proximity to commercial uses and lighting are pertinent. Would like to see renewable energy technologies and conditions to prevent prevalence of uses that exacerbate unhealthy lifestyles like takeaways and betting shops.
- 9.14 Finally, it is hoped that comments will be received and heeded from the NHS Local Area Team and the Clinical Commissioning Group (CCG).

Anglian Water (AW)

- 9.15 On wastewater treatment it is stated that foul drainage will be in the catchment of Frampton WRC which will have capacity for these flows. To address an unacceptable risk of flooding downstream, a drainage strategy is currently being prepared by the applicants in consultation with AW to determine mitigation measures. AW asks that a condition be added in relation to the foul water disposal. This ensures that should the development go ahead, any required upgrade to the network etc. will be assessed, and a foul strategy be in place, to ensure there is no detriment to existing customers.
- 9.16 Thus, AW recommends a foul water strategy condition on any approval to ensure that no dwellings are occupied until an approved strategy is implemented.

The Environment Agency

- 9.17 Objected to the application (3 June 2014) in the absence of an acceptable Flood Risk Assessment (FRA). It says that the FRA does not comply with the National Planning Practice Guidance and it does not provide a suitable basis for assessment. There are detailed comments on parts of the FRA, an area of a safe refuge is supported but more information on the consequences of flooding is needed before further advice on any management through flood warning and evacuation can be given.
- 9.18 The Agency concluded that the objection can be overcome if an amended FRA is submitted which covers all the highlighted deficiencies. The revised FRA from the applicants has now been received by both the EA and your officers and I will report further on the combined response on whether the EA objections have been satisfied.
- 9.19 On foul drainage, although AW has stated that there is sufficient capacity at Frampton, the Agency confirms the AW view about downstream flooding.

Black Sluice Internal Drainage Board

- 9.20 Comments that the proposed sustainable drainage scheme will ultimately discharge into the Board's watercourse and any SUDs scheme should take account of the loss of storage volume by the infilling of existing drainage dykes. Careful design of the soakaways will be needed to ensure that existing premises are not affected. The alternative surface water disposal arrangements will be deemed a direct discharge into the Board's systems so consent will be required.
- 9.21 The Town's Drain is a Board watercourse and no planting will be permitted within the byelaw distance. A suitably detailed plan is required to show how the proposed realignment would benefit the Board by reducing the hazard of the overhead power lines to the north of the watercourse. The Board objects until their requirements regarding the Town's Drain are met to its satisfaction.

- 9.22 The Board is also likely to object to the raising of ground levels unless measures are taken to prevent flooding or water logging of neighbouring land. Any mitigation, (French Drain) will be the responsibility of the developer or future property owners for the life time of the development.
- 9.23 Discussions have been on going with IDB and revised proposals and changes to the alignment of the Town's Drain to address their concerns are presently being considered.

Lincolnshire Chamber of Commerce

- 9.24 The Chamber hosted a consultation evening at the Assembly Rooms on 17 July 2014 where the applicants give a presentation and answered questions on the application. The evening was attended by some 30 people. I have not received any formal representations from the Chamber.

Lincolnshire Fire and Rescue

- 9.25 Objects to the application on the grounds of inadequate water supply for fire fighting purposes. They seek the installation of eight fire hydrants to conform to BS750:2006 in the positions that they have shown in their response.
- 9.26 The provision and location of fire hydrants is dealt with under the requisition procedure of new water mains by the developer so it can be left to other legislation or be the subject of a condition on any approval if it appears that planning control is necessary.

Natural England

- 9.27 Natural England are a public body whose statutory purpose is to ensure the conservation of the natural environment for the benefit of present and future generations, thus contributing to sustainable development. It is a statutory consultee on EIA applications and has a role in advising planning authorities about land quality issues.
- 9.28 It concludes that there will be no likely significant effect upon the Wash SPA and Ramsar site and upon the Wash and North Norfolk Coast SAC. It is supportive of the recommendation for a condition for pollution prevention measures arising out of the realignment of the Town's Drain and also supportive of the maintenance of flows into that drain at existing greenfield rates.
- 9.29 In respect of the Wash SSSI it is satisfied that there is not likely to be any adverse effect upon the site and thus the SSSI is not a constraint on the application. The Council's subsequent HRA is appended to the application file.

- 9.30 The application of its standing advice in respect of protected species is recommended, the incorporation of green infrastructure into this development and that there are opportunities for biodiversity enhancements. On soil and land quality it is noted that a large proportion of this site is the 'best and most versatile' land (Grades 1, 2 and 3a). In order to retain the long term potential of this land, since a proportion of the agricultural land will remain undeveloped, advises that the developer uses an appropriately experienced soil specialist to advise upon soil handling and how best to make use of different soils on the site. This may be a condition on any approval linked to the Construction Management Plan.

Lincolnshire Wildlife Trust

- 9.31 Recommends the use of native tree planting to support local biodiversity, native species in the track wire planting on the stadium elevations (see para. 5.10 above) and the incorporation of biodiversity measures into the stadium building. Although the Trust is disappointed that only 0.7ha of the western site is allocated for drainage and ecology, this fails to acknowledge the other 2.50ha of informal open space. It would wish to see a clear strategy for biodiversity into the other elements. A full mitigation strategy will be required for any Town's Drain realignment due to water voles and it supports the need for a further bat emergence study and a lighting strategy. The Trust makes suggestions on the design and planting of the SUDs and their margins but comments upon underpasses for wildlife corridors.

Anderson and Glenn Consultant heritage/ landscape architects

- 9.32 Make general comments about the accessibility of play spaces and the accessibility of the stadium across the A16. Regard the loss of existing frontage planting to ensure visibility of the commercial units as a loss of habitat and needs plans to replace them Dr Glenn does not agree that trees could be incompatible in a Fens landscape, he does not regard this as relevant in large scale developments which will significantly alter the character of this well used approach to the town of Boston.
- 9.33 Overall, greater details of the landscape proposals need to be provided to demonstrate that his points have been adequately addressed. Requests an ecological survey on the impact the development will have on the flora and fauna of the area.
- 9.34 Clearly the application is accompanied by protected species surveys and at para 5.7 above I confirm matters in relation to hedge and tree retention and that a detailed specification must be a condition of any approval.

Consultant Archaeologist

- 9.35 Advises that an archaeological assessment (geophysical survey and trial trenching) has been submitted as part of the ES and the geophysical survey was tested by trial trenching which indicated that there are areas of the site which are likely to be affected by development.
- 9.36 Archaeological remains were identified on site and include palaeochannels and an area of Roman activity. Within these areas, the proposals do have the potential to impact directly upon archaeological remains. Whilst the remains are not of national significance, they are of local/regional interest. On this basis there is no objection to the planning application but they would advise that an archaeological 'scheme of works' condition is applied to any permission granted.
- 9.37 The archaeological scheme of works condition will ensure that the applicant demonstrates what measures have been undertaken to minimise the impact on buried archaeological remains and the archaeologist would like to see more detail regarding ground works well in advance of construction and this would form part of the written scheme of investigation.
- 9.38 Since it has been established that the whole of the site is not of archaeological interest I propose a condition which just precludes development in defined area(s) until the scheme of works condition has been satisfied.

Sport England

- 9.39 I have spoken to Sport England and their manager says that positive feedback has been received from the FA and that no substantive concerns that would give rise to a Sport England objection have been identified. A full response is being prepared and I will report further upon the detail of their reply when it is received.

Lincolnshire Police: Crime Prevention Design Advisor

- 9.40 The Police are happy that comments given at pre-application stage in April remain relevant to the application. There are no objections to the development but advises that its comments will contribute to reducing crime and disorder and achieving sustainable development.
- 9.41 Advice is given on surveillance and property orientation, delineation of space and detailed comments upon subsequent housing layout, provision of curtilage or off curtilage parking, fencing and security.
- 9.42 Upon the detail of the Community Stadium he says that the overall layout and location are well considered within the development. Ideally he would like to see all of the parking closer to the A16 making it easier to manage and the takeaways could be relocated to provide more parking. Concludes that safe access across the A16 needs to be considered and appears to accept the Toucan near the proposed roundabout.

- 9.43 In more recent consultation, the Force says that CCTV should be addressed via an 'operational requirement' and that a possible link with the Council system should be sought. An operational requirement, in conjunction with Council CCTV would assess what is actually needed by the user rather than by a supplier just providing potential unnecessary numbers of cameras.
- 9.44 I would anticipate that this could be the subject of a potential condition on any approval

Boston Borough Council Environmental Health Authority

- 9.45 Point to the need to remodel the access route for service vehicles to the food store since otherwise there will be the potential for noise at unsociable hours. Similarly, the A3/A4/A5 units are close to housing and suggests an hour's condition.
- 9.46 The authority does not raise any objections to noise from the stadium during football events but questions its use for closed season/summer months music concerts and that potential noise impact will need to be assessed. On contaminated land, notes that there is no recorded history of contamination but requests a condition relating to unforeseen contamination encountered during construction.
- 9.47 Finally, the lighting proposals have been specifically re-examined and it is concluded that they have been designed using expert advice and that overspill and sky glow have been considered.

Boston Astronomers Society

- 9.48 I have spoken to the former chairman of the Group which suspended meetings some years ago and he gave general advice and the potential need for a lighting strategy. In the absence of statutory consultees in respect of dark skies, light pollution or astronomy interests I contacted Paul Money, a Lincolnshire based professional astronomer and Reviews Editor to the BBC *Sky at Night* magazine.
- 9.49 Paul Money's preliminary thoughts are that:
- All forms of lighting should not direct any light upwards and it should only fall within the grounds of premise where it is needed
 - All security lighting should similarly only spread onto the property they are installed upon
 - The stadium and 3G lighting should make every effort to ensure light actually falls inside the stadium – this can be a major problem with sports facilities
 - Big illuminated signs would urbanise this rural area, they should not be left on all night nor face straight out to contribute to light pollution
 - Despite Natural England's response, he thinks the RSPB at Frampton may have a view

Summary of Consultation Responses

- 9.50 Negotiations and submissions of revisions are continuing, particularly in respect of the earlier Environment Agency and Drainage Board objections. This is on the basis that I believed that these objections are capable of being resolved. If the EA objection remains, any Mindful to Approve resolution would need to be referred to the Minister in any event.
- 9.51 The Highway Authority is not objecting to the application in either principle or detail and the full text of its response will be provided in due course. The critical importance of the Travel Plan and site management, I think comes out in its response. Similarly Sport England's no objection in principle response and support from The FA will be reported in full when it is received.
- 9.52 Much of the control and management of any approval of this application will be a matter of detail for any planning conditions and any planning obligation. These will follow in as much detail as possible with the Supplement Report. However, overall, there do not appear to be any consultation responses that are incapable of being resolved.

10.0 PLANNING POLICIES AND ISSUES

- 10.1 The consideration of this application requires a disciplined and ordered approach to reach conclusions on the relevance of and the weight to be afforded to the development plan. This is followed by a judgment on the nature of and the respective weight to be given to material considerations. The draft planning obligation under s.106 of the Act which is a part of the proposal and the nature of the suggested conditions on any approval are set out in Appendices 4 and 5 of this Report respectively.
- 10.2 Firstly, s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires, on planning applications that affect the setting of a listed building, to have special regard to preserving its setting. S.72 is the conservation area test which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. 'Setting' is the surrounding in which a listed building or other 'heritage asset' is experienced. This can vary overtime and according to circumstance since it can be affected by noise, lighting, other land uses and the nature of historic connections with other buildings.
- 10.3 Secondly, the present situation remains that the Borough does not have a five year housing land supply and therefore the 'presumption in favour of such developments', and subject to criteria, as contained within the Framework effectively supersedes any housing supply policies in the Local Plan.

The development plan

- 10.4 The principle of the 'plan-led' system in development control is enshrined in s.38(6) of the 2004 Act. This states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". S.70 (2) of the 1990 Act requires that a local planning authority shall have regard to the provisions of the development plan, so far as material to the application; to any local finance considerations, so far as material to the application, and to any other material considerations.
- 10.5 In a number of places the applicants believe that the Local Plan is out of date, but this is not a view that I share. Financial considerations which are fairly and reasonably related to a developed are capable of being material and financial viability may be material if it relates to the development.
- 10.6 Although the development plan has priority or is the starting point, there remains an element of flexibility when considering considerations that suggest a plan, as a whole, should or should not be followed. There will be a range of interpretations over whether a proposal is in accordance or not, also linked to its age and any consistency with more up to date policy. The relative weight to be given to all considerations, including the development plan is for the decision-maker and whether they are matters which are sufficiently weighty to not follow the plan are also judgments for the decision-maker.
- 10.7 The National Planning Policy Framework emphasises the primacy of the development plan and states that it (the Framework) does not change the status afforded to the plan as the starting point for decision making (para 12). In effect there is a presumption to determine sustainable development in accordance with an up to date development plan.
- 10.8 The statutory development plan is the saved policies of the Boston Borough Local Plan 1999. Policies were saved by Direction of the Secretary of State in September 2007.
- 10.9 A list of the saved Local Plan policies that are relevant to the consideration of this application is included at **Appendix 3** to this report.

Assessment against the development plan

- 10.10 The application site is completely outside of the defined development limits for Boston (Inset Map 28). Thus the site is within the open countryside for plan policy purposes. The actual position of Boston's development limits are defined by the Town's Drain to the south (south of the Drain is inside development limits); by the rears of properties fronting London Road, Wyberton (Wyberton is inside the development limits) and by the rears of properties fronting Tytton Lane East (east and west of the A16).

- 10.11 In some circumstances the development (or allocation) of the application site lands to the west of the A16 could be described as 'infilling' – since it is effectively surrounded on three sides by development and by a major radial route to the east. To the east of the A16 a small developed stretch of Tytton Lane East 'projects' into the open countryside to the north of the application site. This eastern part of the application could be seen as creating another irregularly shaped incursion into the countryside. However, the stadium site is presently quite significantly screened by the triangle of land adjacent to the A16 which is not within the application site..
- 10.12 There are no specific local plan policies to assist in the consideration of applications for large scale mixed use developments, football stadia or applications that are presented as or have an element of 'enabling development' in their justification.

Local Plan policies

- 10.13 The relevant general 'G' development control policies against which all proposals are assessed are Policies G1: Amenity; G3: Foul and Surface Water Disposal; G6: Vehicular and Pedestrian Access and G10: External Lighting Schemes. None of the relevant retail and town centre policies were saved in 2007. Policies T1: New Accesses onto Major Roads and T2: Roads and Footpaths in new development are relevant. The only relevant Housing policy, in the light of the lack of a five year supply (para 10.3), and given that this is in open countryside, is H4: Open Space in Housing Estates. The Affordable Housing Policy, Policy H5 is not a saved policy.
- 10.14 Recreation and Leisure Policies R2: New Recreational Open Space and R8: Leisure Facilities in the Countryside are criteria based enabling policies which refer to new recreational open spaces or formal sport, recreation or leisure facilities adjoining Boston town or in the countryside. The only relevant saved conservation policies are C8: Stump Views and C16: The Wash SSSI. Finally CO1: Development in the Countryside restricts development in the countryside but makes allowance for development which benefits economic activity or meets particular social needs whilst enhancing the environment.
- 10.15 The applicants list Housing Policy H3, Recreation Policies R3 and R9 and Community Facilities Policy CF3 in support. I would conclude that these are not relevant since they either relate to development 'within settlements' supported by other policies or to follow-on applications to previously approved schemes in the countryside. On Policy CO1, the applicants opine that this is out of date due to the lack of housing supply; or compliance with Policies R8 and R9 means that CO1 is satisfied.

Sport, Recreation and Leisure policies

- 10.16 Policy R8 is a criteria based policy which would allow formal sport, recreation or leisure facilities in the countryside where, of relevance here it:
- is essential for such a location because of extensive land requirements or noise generation or the application represents an opportunity which cannot be realised within the town or villages
 - will not significantly harm amenities of other land users nor the general character of an area because of its nature, scale, density, layout, appearance, noise or traffic generation
 - not significantly reduce nature conservation value
 - includes satisfactory landscaping and future maintenance
 - satisfactory access and parking, and
 - will not lead to irreversible loss of the best and most versatile agricultural land (see full text in Appendix x)
- 10.17 The explanation to this policy speaks of directing such uses to fringes of the towns and villages or on public transport routes to keep essential travel distances and car use to a minimum. On the loss of agricultural land, the best and most versatile must be protected from irreversible loss (Grade 1 is land of excellent quality and Grade 5 land is of very poor quality. Grade 3, which constitutes about half of the agricultural land in England and Wales, is divided into two sub grades designated 3a and 3b). 'Best and most versatile' is defined in the Framework as Grades 1, 2 and 3a. Subject to evidence on agricultural land quality the other criteria to do with significant harm reflect the other 'G' policies.
- 10.18 Clearly, the development of this application site will lead to the irreversible loss of the best and most versatile agricultural land.
- 10.19 The development plan is incomplete in terms of the relevance or total absence of subject specific policies to address parts of this application. For example, there are no saved policies to do with the retail/ commercial and leisure town centre uses comprised in the enabling development parts of the scheme. Potentially the Plan was not drafted with this scale of development – mixed use, with the added 'enabling' case in support, or the relocation of the Football Ground in mind. Thus there are parts of the Plan that are relevant but subjects upon which it is silent.
- 10.20 On housing, the Framework says that housing applications should be considered in the context of the presumption in favour of sustainable development; although this is not a 'housing application' alone, and at paragraph 49 it states "Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites". It is common ground and accepted that the Borough does not have an available five year supply of housing land and thus the housing allocations and housing supply policies in the Plan are not up to date.

10.21 At para 14 the Framework says, on decision taking:

- “approving development proposals that accord with the development plan without delay, and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

specific policies in this Framework indicate development should be restricted”

10.22 What can be concluded is that the Local Plan is incomplete in considering this application and there are parts where the development conflicts with the Plan (loss of agricultural land and an out of settlement location). The judgements of significant harm (from plan policy) or adverse impacts (from the Framework) need to be addressed overall and in terms of, for example, amenity, traffic and transport considerations.

Other non-statutory policies and proposals

The National Planning Policy Framework 2012 (the ‘Framework’)

10.23 Many of the PPGs and PPSs and more recently existing Circulars were replaced when the Framework was issued in March 2012 and when the on-line Planning Practice Guidance came on line in March 2014.

10.24 At the heart of the Framework is the presumption in favour of sustainable development and the way in which this ‘golden thread’ should run through decision making is set out at the Framework’s para 14 (para 10.18). Amongst the twelve core planning principles that are relevant here are:

- Plans should provide a practical framework for decisions to be taken with a high degree of predictability
- Proactively drive sustainable economic development to deliver homes, business, infrastructure and thriving places
- Seek high quality design and good standards of amenity
- Recognise intrinsic character and beauty of the countryside
- Support transition to low carbon future – taking account of flood risk
- Promote mixed use development and encourage multiple benefits from the use of land
- Make fullest possible use of public transport and focus significant development in locations that are or can be made sustainable
- Deliver sufficient community and cultural services to meet local needs

10.25 Other messages within the Framework are under the following headings of

Economy

- significant weight placed on the need to support economic growth

Town centres

- Apply a sequential test to town centre uses that are not in existing centres and are not in accordance with an up to date plan
- Give preference to accessible sites that are well connected to the town centre
- Require impact assessment for schemes with a default threshold of 2,500sq.m to assess impact upon existing, proposed or planned investment; and upon the town centre vitality and viability
- Refuse applications if they fail the sequential test or likely to have significant adverse impact on investment or on vitality and viability (in centres)

Rural economy

- Support sustainable growth, support rural tourism and leisure development which respect the character of the countryside

Sustainable transport

- Transport systems needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel
- Developments that generate significant movement be located where the need to travel can be minimised and use of sustainable transport modes maximised. Where practical schemes should give priority to pedestrians and cycles, have high quality public transport facilities; create safe layouts which minimise conflicts
- A key tool to facilitate sustainable transport is the Travel Plan.
- Balance of land use should minimise journey lengths and key facilities in large scale development should be within walking distance, where practical

Housing and Healthy Communities

- plan for a mix based upon current and future trends, mixed use development, active street frontages, safe and accessible development and high quality open space
- Great importance is given to sufficient choice of school places and authorities should give great weight to expand and alter schools and seek to resolve planning issues before applications are submitted. The contribution access to high quality open space, and sport and recreation can make to healthy communities is emphasised

Flood risk

- inappropriate development in areas at risk should be avoided but where development is necessary, make it safe without increasing flood risk elsewhere
- Apply the Sequential Test based upon the SFRA and pass both elements of the Exception Test for development to be permitted
- Ensure that development is appropriately flood resilient and resistant including safe access and escape routes, residual risk managed through emergency planning and priority given to sustainable urban drainage systems

Natural Environment

- account should be taken of the economic benefits of the best and most versatile agricultural land and aim to conserve and enhance biodiversity
- pursuing sustainable development means moving from a net loss of biodiversity to achieving net gains for nature
- decisions should aim to avoid noise giving significant adverse impacts and limit impact of light pollution on local amenity.

Planning Practice Guidance

- 10.26 The national Planning Practice Guidance (PPG) was published on line on 6 March 2014. This is a part of the Government's initiative to cut down the quantity of guidance and it included a long list of cancelled circulars. It has not been published officially in a print format since it is intended to be accessed and constantly updated on line but it runs to in excess of 1050 printed pages in the planning encyclopedia. The abbreviation 'PPG' should not be confused with the former PPGs (Planning Policy Guidance) which were topic specific guidance documents and which were all mostly superseded by the release of the Framework in March 2012.
- 10.27 Guidance is presented under a list of forty-one categories and those of relevance to this application, which appear to go beyond the guidance in the Framework are summarised here.

Air Quality

- 10.28 There are no Air Quality Management Areas in the vicinity of the application site. Air quality can be relevant in a planning decision and in this instance the principal area of any concern would be during construction. The applicants have prepared an Air Quality Assessment and the suggested mitigation within it can be controlled by condition(s) on any approval.

Design

- 10.29 There is detailed guidance on what good design can achieve and what it might be. In the context of this application the PPG refers to consideration of issues including character, safe and connected streets, networks of green spaces, crime prevention and security, access and inclusion, the use of natural resources and cohesive and vibrant neighbourhoods. The indicative masterplan, I believe, is seeking to address all of these principles.

Prematurity

- 10.30 Development has to be so substantial or its cumulative effects so significant as to undermine the plan-making process by predetermining decisions about scale, location or phasing of new development that are central to an emerging plan. Refusal on grounds of prematurity, it continues, will seldom be justified when a draft Local Plan has yet to be submitted for examination. For these reasons, I would advise that there is no substance in any case for prematurity.

Light Pollution

- 10.31 Artificial light can provide benefits to society by extending opportunities for sport and recreation. The best use of artificial light, it says, is about getting the right light, in the right place at the right time. Guidance is given on measures to reduce light intrusion and the applicants address lighting within the ES. The comments from Environmental Health, above, confirm there are no objections on this point and I will be making recommendations in terms of 'curfew times' in the list of suggested conditions to any approval.

Travel Plans and Transport Assessments

- 10.32 Detailed guidance is given on when a Travel Plan should be prepared, the information to be included and how they are to be monitored. Following detailed negotiations and including assistance from the Highway Authority, documents on Travel Plan Measures, Implementation and Management have been submitted.

Viability

- 10.33 The PPG suggests that authorities should understand the impact of a planning obligation upon viability and they should be flexible if it can be demonstrated an obligation will affect the viability of a scheme. Normally considerations on viability should not be required. Clearly, in this instance, given that the level of enabling development has been assessed to understand that it is the least that is reasonably required and then identifying the size of any 'pot' to be used in any obligation benefits, the viability and the contribution of the enabling development can be central to the merits of the application.

The Local Transport Plan

- 10.34 The 4th Lincolnshire Local Transport Plan (2013/14 to 2022/23) dated April 2013 (LTP) is the source for where the applicants seek support for the first stage of the distributor road. This document is not a part of a development plan and proposals for Boston do not feature in the list of four major scheme priorities (p.34). The Plan does support the use of travel planning to tackle congestion and to embed the ethos of sustainable travel in new developments. In respect of Boston the LTP says that as part of the development plan preparation “it is anticipated that areas of land will be identified for future development which may help facilitate the possibility of a distributor road to the west of Boston”. This, it continues “forms an important part of the longer term highway improvements within the adopted Transport Strategy”...
- 10.35 That adopted transport strategy is the Transport Strategy for Boston 2006 to 2021 adopted in 2006 after widespread consultation. This looks at short and long term options for improvements. Under the Longer Term Improvements heading (2011 to 2021) a distributor road would aim to remove traffic that starts and finishes in Boston as well as removing some or all of the through traffic as an alternative to travelling through the town centre. This is a favoured alternative to a by-pass – which would by definition only remove through traffic. The Strategy recommends that the most appropriate way forward is to pursue a distributor road and the LDF will seek to maximise contributions towards it. On ‘Delivery and Funding’ the funding for a distributor road is given as ‘Local Transport Plan/Developer Funding/or Other’. Finally an Area of Likely Assessment is shown as an Appendix to the Strategy passing through the majority of the application site (west) and out across to the west crossing the A52 at Boardsides and around eventually to the north to the A16, north of the Pilgrim Hospital.
- 10.36 The relevance of this is that a broad area for search is all that identifies where any future distributor might be proposed or placed; it is not an adopted policy or a part of a development plan. Whilst the line of the proposed distributor as part of this application is consistent with that Area of Assessment, clearly there are no mechanisms to ensure any future stages or phases are proposed or even delivered. The application proposal is thus consistent with the first part of an aspiration which has not really been defined or tested.

South East Lincolnshire Local Plan (SELLP)

- 10.37 The SELLP process produced a Combined Preferred Options and Sustainability Appraisal Report (the ‘Preferred Options’) which was the subject of consultation in May and June 2013. In February 2014 the Joint Committee resolved that a single Local Plan for South East Lincolnshire will be prepared instead of the two previously proposed separate development plan documents. The principal reason for this was that to continue the preparation of the Strategy and Policies Development Plan Document without allocating sites for housing would inevitably lead to it being found ‘unsound’ at Examination.

- 10.38 The revised timescale for the Draft Local Plan is predicted to be a consultation period in October to November 2015. This would lead to submission to the Inspectorate that December and Local Plan adoption in 2016. Thus the SELLP is not adopted and the weight to be given to it as a material consideration at this time since it is not known what form it will take, must be limited.
- 10.39 The Preferred Options document did point to broad locations for accommodating housing growth based upon information available at that time. The single option which the document preferred was a broad location for 1,900 houses in the Wyberton West Road/Chain Bridge/Swineshead Road area (B8). The current application site does not figure amongst total eleven sites looked at as potential broad locations. This is understood to be since although it was being promoted by the applicants as a SHLAA site it was not seen as strategically large enough to feature as an option or proposal at that stage.

Affordable Housing policy

- 10.40 The Local Plan Affordable Housing Policy H5 is not a saved policy. The non-statutory interim Affordable Housing policy was adopted in November 2006 based upon the 2005 Housing Needs Survey. Where there is an identified need, this later policy would seek that 30% of dwellings provided are affordable through negotiation. The Framework's definition of affordable housing includes social rented, affordable rented and intermediate housing. The interim Policy continues that this level of provision would be sought provided that the economic viability of the proposal will not be prejudiced and the realisation of other planning objectives of importance to the community will not be prejudiced.
- 10.41 The SELLP options for affordable housing took account of the most up to date housing market assessments, the Coastal Lincolnshire Economic Viability Assessment (2013) and other planning decisions – that Boston had rarely been able to achieve a 30% on site proportion. The policy proposal in the Preferred Options, for Boston, was for a 20% affordable housing proportion whilst adopting a flexible approach such that any different level would be based upon sound evidence.

Parking Standards

- 10.42 The lack of up to date parking Standards against which to assess this means that the applicants and the Highway Authority have had to look at other means of assessment. The cancellation of PPG13 by the Framework in 2012 means that the previous maximum parking standards assumption is removed. The Framework says that the setting of parking standards should take account of the accessibility of development; the type, mix and use; the availability and opportunities for public transport; local car ownership levels and the need to reduce emissions.
- 10.43 The Highway Authority accepts that the 2002 Parking Standards, which would have sought parking for stadia at the rate of one space per 15 seats (but also assessment on individual merits and subject to TA and Travel Plan)(giving a 'requirement' here for 333 spaces) is out of date. This was also the Inspector's conclusion (that the parking standards are out of date) in the appeal decision at The Five Bells Public House, Butterwick⁷ in February 2014.

⁷ B/13/0268 reported to Planning Committee on 1 April 2014

- 10.44 In view of the Scenarios and discussion at paragraphs 5.15 and onwards earlier in this Report, it can be seen that the proposed on-site provision exceeds what the previous standards might have required (404 compared to 333). On this basis it is recommended, and the Highway Authority concurs, that the Travel Plan will be the long term mechanism to ensure that changes in circumstance are addressed through monitoring, incentives and targets for modal shifts. This cannot be addressed at this time since the Scenarios (dependent upon league promotion) are not a part of the application and there is no real guarantee or certainty that any of those eventualities will take place other than ensuring through planning condition or obligation that a robust Travel Plan is implemented and becomes effective.

Boston Borough Interim Plan

- 10.45 The Boston Borough Interim Plan was adopted in 2006 for development control purposes but it is not a statutory development plan. The preparation of this document as an emerging replacement development plan had been as halted when its proposals for a Southern Link Road were considered unaffordable, thus putting the road line, the related allocations and thus the robustness of it as a Plan, in serious doubt.
- 10.46 In view of the passage of time the Interim Plan has no real currency in considering this application in today's policy backdrop. In the language of the Framework, the Interim Plan is not 'an emerging plan' and noticeably the SELLP Preferred Options did not even refer to it. Also, there is no mechanism to consider the consistency of the Interim Plan with the Framework. On this basis, I take the view that any weight or influence of the Interim Plan for this application has waned and I will make no further reference to it.

11.0 DISCUSSION and CONCLUSIONS on the ISSUES

Listed buildings and the Conservation Area

- 11.1 The principal listed building whose setting is affected by the development is the Stump. Those in the Wyberton Conservation Area are practically not distinguishable from within the application site and, in the other direction it is only from the north-west corner of the Area that the application site may be seen.
- 11.2 An appreciation of the Stump changes across the application site. Northbound up the A16 the Stump is across to the north-west and above both the housing parts of the application site and the existing housing bordering the site. It is from Causeway (East) where the 83m high St Botolph's tower appears 'above' the application site but this moves with movement along the lane. It is for a relatively short distance where the Stump will appear above or be affected by the stadium in terms of its low slung nature underneath the tower, lighting or the vertical presence of lights. This however in some respects is diluted by both the vertical and horizontal features visible in both the foreground and beyond from the electricity pylons, cables and the cranes and other vertical structures also on the skyline.

- 11.3 I would conclude that any effect up the setting of St Botolph's is very localised and in the broader context of the setting of this Grade I listed building I would not regard it as harmful. For reason of its secluded nature, I would suggest that there is no harm to the character or appearance of the Wyberton Conservation Area.

The development plan

- 11.4 The development plan does not have enough to say on this application to be able to determine clearly whether the application accords or conflicts with the Local Plan or to provide any presumption in favour of development that accords with the Plan. Compliance with the general 'G' policies is dependent upon conclusions over impact upon amenity, the character of the area and the impact, for example of traffic. I have shown that the countryside location and the loss of agricultural land are factors which do not accord with parts of the Plan.
- 11.5 The applicants assert in various parts of their submission that the Local Plan is out of date or has only limited weight unless there is strong consistency with the Framework. I would not conclude that the plan as a whole is out of date for this proposal since our experience at appeal has been that the general development control policies have proved to be robust despite the passage of time.
- 11.6 The Planning Committee did consider a Compatibility Assessment in April 2013 in the light of the '12 month period of grace' in the Framework and concluded that five saved policies were not in accordance with the Framework. There have since been appeal decisions suggesting that H2 may be inconsistent and by implication, Policy CO1 could similarly be questioned.
- 11.7 The development plan is not complete enough to trigger any s.38 (6) presumption so at best it is silent on some issues and not supportive of the application on others. I would conclude therefore that the application does not accord with the development plan, as a whole. Thus the assessment of 'unless material considerations indicate otherwise' and the Framework's para 14 (10.18 above) presumptions and 'adverse impacts' judgements are required.

Material Considerations

Alternative sites

- 11.8 The applicants have been requested to look at the possibility of alternative sites at the Princess Royal Sports Arena (PRSA) and at the Kirton Distribution Park. They have also assessed the prospect of ground sharing at Boston Town on Tattershall Road.
- 11.9 Overall, remaining at the current York Street ground is the least likely option and the concept of going outside Boston to share grounds in other towns is both too far away and also would fail to maintain links with and the civic pride of the Town. In addition it would impact on the existing community programme offered by the Club, which is a key part of Boston United and its influence in the town.

- 11.10 In order to share or use Boston Town's ground the applicants conclude that it would not make financial sense, risk having to contract and thus not realise the growth ambitions of the Club.
- 11.11 The options for disaggregation - spreading the enabling development across multiple sites where they may be available - would reduce the viability of the scheme and fail to deliver the offer and negotiated benefits. Not least since the stadium site's (east of the A16) land costs are being gifted by the land owner on a long lease basis – so further land costs (~£150,000 per acre) would have to be met if the sites went elsewhere.

PRSA

- 11.12 The PRSA is on Great Fen Road to the west of the Town off the A1121 Boardsides, beyond the A52 Sleaford Road. It is approximately 2.4km from the town centre boundary – compared to the application site which at its nearest point is 1.9km from the town centre boundary. In terms of relationship to settlement development limits, the application site, as we have seen (para 10.7) is adjacent to the settlement development limits whilst the PRSA is some 500m from the western edge of Boston's development limits.
- 11.13 The application site is in the open countryside without allocation in the Local Plan and the PRSA although located to the north of an allocated Playing Field is similarly without allocation, in the open countryside. There are no advantages of the PRSA site in policy terms or locationally over the application site(s) and transport and pedestrian links are also considered inferior to the application site.
- 11.14 The applicants say in the ES that the PRSA as an alternative, to create some sort of 'sports hub' would be unsuitable. It was felt that it would be hard to incorporate the Club proposals into the existing site without significantly altering the way the PRSA operates and the potential for conflict with the rugby and athletics operations that are already well established here. The freehold of the PRSA site is owned by the Borough Council but the surrounding land is in private control, some are being promoted as SHLAA sites and the applicants say that other land is not on the market/available to them.
- 11.15 The applicants repeat that there are unique circumstances that can be attributed to the application site. The viability of the site we have seen is heavily influenced by the gifting of the stadium land and the other anticipated high commercial values are a function of prominent positions on the A16. Thus, they conclude, ownership, viability and location make the application site a far better and deliverable opportunity than the PRSA.
- 11.16 The Council's Sports and Open Space Assessment to support the SELLP (Ploszajski and Lynch 2012) opines that whilst there are high quality athletics, rugby and fitness facilities, the PRSA does not achieve a high status in terms of an overall sporting venue.

Kirton

11.17 The Kirton Distribution Park, on the outskirts of Kirton extends to some 17.5ha. It is too small to take the entire development or the enabling development alone. The owners, Lincolnshire County Council are presently marketing 11.5ha for employment uses and although the earlier outline application for B1, B2 and B8 uses has expired, the presence of all the civils infrastructure on the site means that this is serviced land with an existing road and services network in place. It is not likely that the County would consider other uses of the site when it is a prime target for inward employment investment and in plan policy terms it has no better development plan credentials than the application site(s).

Enabling development and planning obligation

11.18 The detailed appraisal and the DVS's report are confidential since they contain commercially sensitive information. At this stage and even if the Secretary of State 'calls the application in' for his own consideration, case law tells us that the information remains excluded from release to the public⁸ and all that needs to be released is 'the gist' particularly when it has been independently verified.

In order to inform Committee, it has been agreed with the parties that this summary may be provided:

"The Senior Surveyor at the Leeds Valuation Office who conducted the critique of the Viability Assessment initially concluded that:

- The site is unable to deliver 30% affordable housing in order to meet current Council policy
- This lack of viability is mainly due to the combination of stadium construction costs and the high level of infrastructure costs necessary to open the larger site and include, in addition to an affordable housing requirement, there are requests for an Education contribution of £857,009, Health contribution of £212,500 and other, undefined s.106 costs of £150,000; the latter is effectively a contingency
- The DVS has determined through re-running the appraisal that a viable scheme with all the above contributions would only support an affordable housing provision of 15.20% (76 on site units)

11.19 Thus the decision for the Council is based upon the need to rank Council priorities and how or whether the sustainable credentials of the scheme would be harmed by amending the headings or values of those contributions. Amongst the options would be to provide, for example, the full 30% affordable housing but then forego all of the Education and/or Health contributions (for example) or any other permutations in between. The work by DVS does however confirm that the scale of the enabling development is not more than is required to make the scheme viable.

⁸R (English) v East Staffordshire Borough Council & Anor [2010] EWHC 2744

11.20 In addition, in running numerous scenarios with differing inputted figures, it can be shown how differing the inputs quickly varies the outputs, for example:

- 30% affordable (60/40 split rented/shared ownership) with no other contributions but including the Homes Unlocking Fund gives a surplus of £814,194.
- 20% affordable (but all affordable rented) with no other contributions and excluding the Homes Unlocking Fund gives a surplus of £817,303.
- 25% affordable (84/16 split), with no other contributions and including the Homes Unlocking Fund gives a surplus of £1,548,240.

11.21 Planning obligations must meet the relevant tests that they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind. Although there is not a plan policy which sets out when obligations or contributions will be sought - so that they have been tested at examination –the guidance in the Framework does refer, for example, to the need to create or expand schools. Obligations, it says should be sufficiently flexible to prevent planned development being stalled as a result of changes in market conditions.

11.22 The present position is that the applicants favour a compromise 20% level of affordable housing. In this way they are also able to make significant contributions towards the requested education contribution, to any health request that may be clarified and an ability to fund the Travel Plan measures at least to early set-up. They stress that the costs of works to extend the Wyberton Playing Fields Association sports ground, through the realignment of the Town's Drain; the applicants' contribution to the distributor road in providing the first stretch of it between the A16 and London Road; the two Toucan crossings to link both sides of the development or bus stop(s) on the A16, for example, are not specifically costed but are contained within general construction costs.

11.23 The Housing Authority would prefer a 25% affordable contribution since it would better meet the scale of identified and up to date needs.

As a result of further work, the present draft planning obligation terms (24 July) from the applicants are:

- A. Affordable Housing. 20% Affordable Housing contribution on the assumption that the Homes Unlocking Fund of £1m is received and subject to phasing clauses to ensure phased provision of the affordable homes

- B. Education. An education contribution of £500,000 for the extension of Wyberton Primary School specifically. If the monies are not used by the time certain phased occupation has been reached (200th /400th dwelling, for example), the monies can be utilised for an increase in the affordable provision at The Quadrant
- C. Health facilities. A health contribution of £200,000 to enhance facilities in the Wyberton area. If the monies are not used by the time certain phased occupation has been reached (200th /400th dwelling, for example), the monies can be utilised for an increase in the affordable provision at The Quadrant
- D. Travel Plan. Prior to commencement, the management Company will be incorporated, the Travel Plan Manager appointed and subsequent staged payments of £50,000, £66,000 and £50,000 to provide for a Travel Plan budget
- E. Community Stadium. After funding exceeding £7.6m has been received, 100 houses and 50% of the commercial units have been occupied a positive obligation to let the stadium construction contract.
- F. Highways.
 - Link to London Road provided prior to the occupation of the 200th house
 - Prior to the use of the stadium, provide the Toucan crossing and new bus lay-by and the footpath on the east side
 - Toucan crossing within the site over the distributor by occupation of the 200th house
- G. Wyberton Playing Fields. Subject to IDB and the Association's approval, the Town's Drain realigned and the land laid out to be used for football pitches prior to occupation of the 100th dwelling.

11.24 It should be remembered that overall this is a balance based on an appraisal that can never be precise and factors within it will be constantly shifting. The development plan has nothing to say on either affordable housing or other developer contributions. The 2006 Affordable Housing Policy is not statutory and the Joint Authority's present declared preference appeared to be that the EVA and the Preferred Options document could subsequently lead to a 20% affordable policy. In addition, Parliament has recently and specifically put in legislation and guidance to 'require' local planning authorities to be flexible in renegotiating affordable housing levels to enable viable development to proceed. This in the light also that the 2006 non-statutory policy does make exceptions if a scheme would not otherwise be viable or it would prejudice the achievement of other planning objectives. In this way, the applicants' believe that spreading the limited 'pot' across a number of areas improves the sustainable credentials of the scheme, in line with the NPPF and to deliver' other planning objectives'.

- 11.25 Committee will need to consider this bigger picture and the way in which the returns from the scheme can be spread across the community, bearing in mind the overall development is one of 'enabling' to deliver a community stadium.

Additionally, if this progresses this will be the first time that this authority had secured contributions towards education".

Negotiations are continuing and full proposed draft Heads of Terms for the planning obligation to accompany any approval will follow before your meeting.

Prematurity

- 11.26 In respect of the objection from Broadgate Homes Ltd, the application site (as Quadrant 1) was not included in the Preferred Options as an optional broad location since it does not have the strategic housing capacity sufficient to have been considered at that stage of an emerging Plan. It is a candidate SHLAA site and clearly the plan process will continue to consider it in the normal way.
- 11.27 However, in the absence of a five year supply of housing sites, your officers consider that there is all the more reason to consider non-strategic housing applications in advance of the plan process since adoption of an SELLP is still at least two years away. In addition the enabling case of this application means, like the present local plan, it does not follow that allocations for this scale of mixed use with this particular set of circumstances would emerge through the plan process whilst trying to remain realistic. The 'call for sites' has not uncovered a site or sites of this scale to facilitate this proposal so taking any views that this application could prejudice a Plan is both unlikely and unhelpful in dealing with proposals that have been the subject of early and prolonged pre-application engagement, community and other statutory body consultation.

Transport Assessment

- 11.28 The summary response from the Highway Authority will be followed with more detail prior to your meeting. Presently, and in summary the authority has said (para 9.7) that it acknowledges that this will unavoidably have an impact on the surrounding highway network. The most significant traffic impact will be at the A16/London Road and A16/ A52 Liquorpond Street junctions. Mitigation can be achieved by a combination of public transport improvements to be subsidised by this development, a comprehensive Travel Plan and other footway, Toucan and shuttle bus provisions to ensure genuine alternative transport choices.
- 11.29 In respect of the two specific letters questioning the robustness of the TA, the highway authority replies that it is satisfied that the assumptions are correct on the basis that it has been modelled to be a worst-case scenario.

- 11.30 Parking proposals for the west of the site will be dealt with at reserved matters stages but there may be a tendency for commercial/ leisure operators to allow match day parking on their sites so that shared trips can be made where there is safe and convenient access back across the A16. Presently however this is difficult to control.
- 11.31 The parking scenarios set out in the TA and at paras 5.15 to 5.19 above are possible parking demand situations if the Club progresses through the Football League. The application in front of you does however need to be considered against the prevailing situation and, presently, all are agreed that on-site parking for the stadium is clearly satisfactory. The other scenarios are very much 'what ifs' and it is difficult to control or impose requirements on what might actually be many permutations of what might be impacts in the future. This is particularly unclear where there is no evidence or certainty of if or when those situations might arise. Thus, it is clearly unreasonable to seek to resist the application on the basis that promotion to League Division 2 will result in an apparent shortfall when we do not know when or if this could happen.
- 11.32 However, the purpose of a Travel Plan and to-be-appointed Travel Plan coordinators is timely monitoring of travel modes, progress on modal shifts and the use of incentives or restrictions to ensure the evolution of more sustainable transport options. Thus, the actual modal split at some time in the future, upon any promotion(s) is not known. This is why the shortfall predicted at Scenario 4 for example, may never be realised since an effective and robust Travel Plan process will be constantly monitoring and changing travel modes and habits.
- 11.33 Ultimate Travel Plan staffing and other costs would be derived from service charges from occupiers but initially the Travel Plan Manager and any Forum meetings may have to commence as soon as any planning consent is in place. A general Travel Plan budget of £166,500 has been identified following liaison with the County Council and bus operators for measures in the period 2015 to 2023. This includes a bus subsidy of £50,000 over five years to allow initial existing route diversion through the site.
- 11.34 The proposals in the planning obligation/proposed conditions are designed to ensure that the Travel Plan is properly budgeted for and that measures are in place for periodic survey and review which will lead to new or alteration measures/ incentives to promote sustainable transport options.
- 11.35 The prospect of a distributor around the west of the Town and even what happens to Q2 after Q1 is not in front of the Committee. It is not possible to speculate when other portions may be in an adopted Plan, the subject of an application or implemented. Thus it is equally unreasonable to seek to link this application to any future phases or stage of that general line of a distributor illustrated in the Boston Transport Strategy (para 10.32 above).

Soil Quality/ loss of agricultural land

- 11.36 The broad DEFRA information shows the application site as Grade 1 whereas the applicants' detailed surveys provides a mix of grades. It is inevitable, given the quality of land around the town, the lack of available sites and the very limited number of Brownfield sites that may become an allocation, that new housing development will use agricultural land. This has already been permitted at Ashton Hall Drive, off London Road, Kirton and there are other substantial sites progressing their ways towards Committee.
- 11.37 In view of the near exceptional nature of this package and the locational advantage of this enabling site next to the stadium, together with the financial advantage that will rarely be mooted elsewhere, I do not consider that the loss of agricultural land is sufficient reason to resist this application.

Other Natural and Heritage assets

- 11.38 There are no designated heritage assets within or adjacent to the site. The only asset that has the potential to be affected is the 82m high tower of St Botolph's Church to the north which I have addressed above. The Wyberton Conservation Area is not perceived from the development site and the listed St Leodegar's Church is not visible from or to the application site.
- 11.39 Some archaeological remains were identified through earlier gravity anomaly surveys and as a result, 14 trial trenches were dug on the site in the winter of 2013/14. The results suggest Iron Age and Roman occupation in the form of small domestic sites on the banks of a river channel. Sites of his type are relatively rare in the Boston area. The Council's consultant archaeologist has suggested conditions to address archaeology on any approval.

Protected species

- 11.40 Surveys for evidence of bat roosts at the two residential properties within the application site (Nos 262 and 264 London Road) showed no evidence presently but favourable conditions at No 264. Thus an emergence survey is recommended prior to any demolition. There are potential foraging and commuting routes for bats across the site which one particular series of representations has referred to. I am awaiting further information from the applicants in order to conclude on this point.
- 11.41 Habitat surveys in September 2013 and January 2014 identified possible locations of active badger setts and their intermittent and recent use. It is concluded that all four setts will need to be closed, with a Natural England licence before any works commence. Given their apparent intermittent use, the applicants also conclude that artificial sett creation as compensation is not necessary. A series of recommendations is given to close the sites (subject to licence) to ensure they are not reoccupied and that once works commence, measures are in place to similarly prevent re occupation.

Landscape

- 11.42 The effect upon the landscape, which we have seen has no national or local designations, has been assessed by the Council's consultant architect and landscape specialists. The needs for more clarity of the landscaping proposals and the extent of retention and protection have already been raised with the applicants.
- 11.43 The scale and location of the proposal does not conflict with the principles set out in the Borough Landscape Character Assessment and, particularly the western portion could be seen as infilling where there are no longer range views beyond the backdrops of existing built development.

Habitats Regulations Assessment

- 11.44 Natural England concludes that there will be no likely significant effects upon the Wash designations. The issue of surface water run-off and any eventual effect upon the Wash are capable of control through the surface water strategy, through discharge control and through the need for construction site management pollution control measures as part of any Site Construction Plan. The necessary Habitat Regulations Assessment is appended to the application file.

Retail Impact

- 11.45 The applicants' Retail and Commercial Leisure Statement in support of the proposal has been assessed by Applied Town Planning Ltd which was commissioned last year to prepare the South East Lincs Town Centre and Retail Capacity Study (the 'Capacity Study'). Although the independence of Applied Planning has been questioned by the applicants, the Capacity Study which was adopted by the Joint Authority earlier this year is the most up to date comprehensive analysis of shopping and leisure across the authorities and is a part of the evidence base for the SELLP.
- 11.46 Whilst there are some queries over the use of and compatibilities between data sets, overall Applied Planning conclude that using data from the Capacity Study would not significantly alter the outcomes since impact will fall upon similar out of centre stores.

11.47 Overall, the critique of the applicant's Statement by Applied Planning concludes that:

- the Capacity Study showed that there was no quantitative need for new convenience floorspace until 2021 and thus no need to make specific site allocations, and concluded that new comparison goods floorspace should go to the town centre⁹
- they understand that the DV has confirmed that the mix and scale of enabling development are not excessive and are truly 'enabling', thus there is no real opportunity to consider disaggregation
- concur that neither of the PRSA or Kirton alternatives are sequentially preferable and there are unlikely to be any other potential alternative site options
- some growth rates have been overestimated, some impacts are also overestimated and trade diversion figures overestimated
- the assessment overall is a worst case scenario and impacts on town centre convenience stores are not considered duly adverse and the principal impact will fall on similar out-of-centre stores
- agrees with the Council that there is some double counting in attributing spending to the new housing population when this population has already been factored into the housing growth figures
- agrees the levels of impact on commercial leisure are not unduly significant or adverse and there is a recognised requirement for a hotel
- recommends conditions on any approval relating to maximum trading floorspace and on the mix of convenience to comparison floorspace

A full response to this critique has now been received and I will summarise its content and draw some further conclusions in terms of the potential on the town and other centres.

Flood Risk

11.48 The revised Flood Risk Assessment is the subject of on-going consultation and negotiation. I will provide an up to date picture of this in the Supplement Report to follow.

Drainage

11.49 The Concept Drainage Strategy is not the subject of any outstanding objection and revisions to the layout in the vicinity of the Town's Drain and the Wyberton Playing Fields, to address the Black Sluice IDB objection are the subject of ongoing discussion. Overall there is no outstanding, in-principle objection from the IDB

⁹ 'Convenience' goods are day-to-day shopping items – mostly food and consumables, whilst 'Comparison' are generally higher value longer lasting goods where shoppers may shop around for the best quality and value

Dust, noise and pollution

11.50 Impacts on air quality, as a result of traffic will be negligible and Environmental Health colleagues agree with this. The largest sources of dust generation will be during earthmoving and construction. A dust management plan is proposed to address dust soiling impacts, consider screening of particular activities and dust sweepers and wheel washing systems, for example. A dust management plan can be required by condition on any approval.

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