

BOSTON BOROUGH COUNCIL

Planning Committee – 20 June 2017

Reference No: B/16/0436

Expiry Date: 16-Feb-2017 (Extension of time granted 8 August 2017)

Application Type: Outline Planning Permission
Proposal: Outline planning application with all matters (scale, layout, access, landscaping and appearance) reserved for the demolition of the former scrap yard buildings and disused farm buildings and the erection of up to 180 dwellings, ancillary public open space/play area and swales

Site: Land east of Lindis Road (inc former Shooters Yard), Fishtoft, Boston

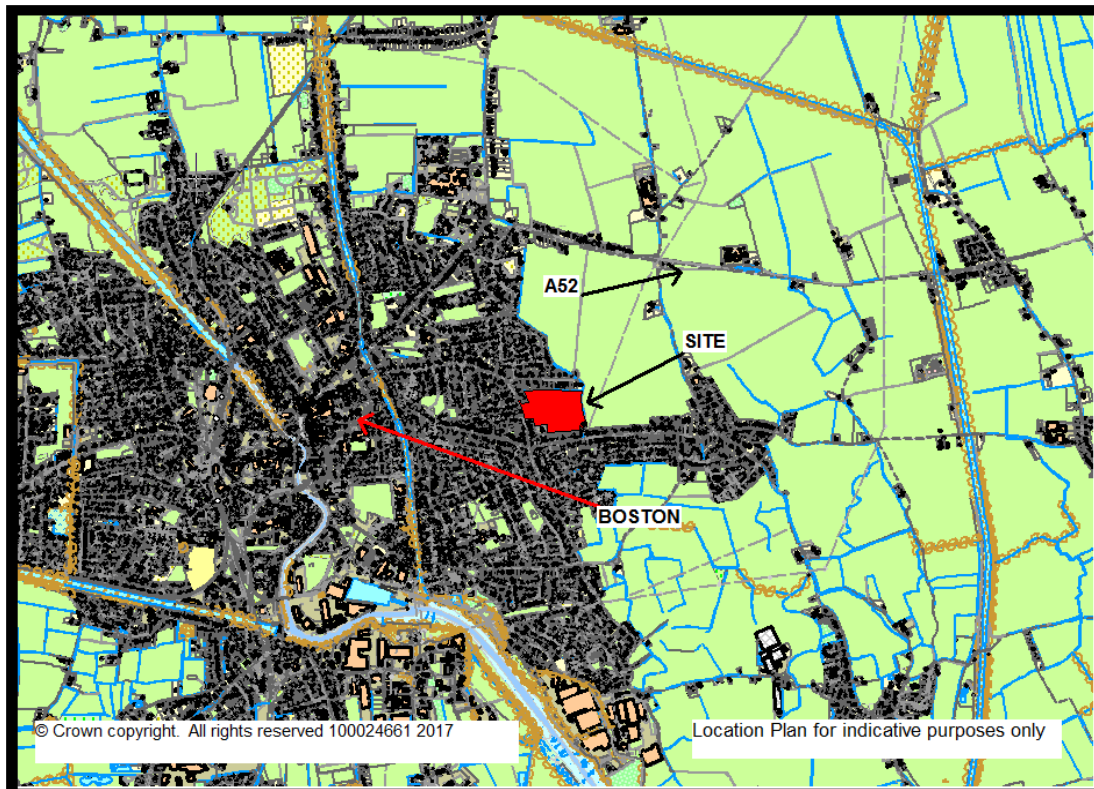
Applicant: Cyden Homes Ltd

Ward: Fishtoft
Parish: Fishtoft Parish Council

Case Officer: Reddy Nallamilli

Third Party Reps: A Petition with 77 signatures and 13 individual letters of objection.

Recommendation: Delegate to Grant.



1.0 Reason for Report

- 1.1 This application is presented to Committee in view of the level of public representations and the receipt of a petition. Fishtoft Parish Council had also requested Committee determination. The recommendation also seeks authorisation for a planning obligation alongside any approval, to secure funding towards the provision of education and health facilities and on – site affordable housing.

2.0 Application Site and Proposal

- 2.1 This site is approximately 7.6 hectares and is a rectangular shaped block of land situated off the east site of Lindis Road. The site is generally flat but does contain a number of deep drainage dykes at the edges. Historically the site was primarily utilised as an agricultural field and there was also an orchard. Two farm buildings occupied the site, these are disused. There is also a commercial area within the site (Shooters Yard) off Lindis Rd which is currently void.
- 2.2 The application site is bounded by the rear garden areas of existing residential dwellings to the northern, western and southern perimeters. The dwellings to the north front on to Blackthorn Lane with the houses adjoining the site to the south front onto Eastwood Road. Eastwood Rd also contains a small number of operational commercial uses. The properties that abut the western boundary are situated along Lindis Road. The eastern boundary faces onto open agricultural land.
- 2.3 This application seeks outline planning permission to erect up to a maximum of 180 dwelling houses on the site. Matters relating to access, layout, scale, appearance and landscaping are all ‘reserved matters’ and would be subject to consideration on future applications. Where access is a reserved matter, an outline planning application must state the area or areas where access points to the development will be situated; otherwise details of reserved matters need not be given.
- 2.4 The applicant has submitted a number of basic illustrative plans which seek to demonstrate how the site could be developed and accommodate the number of units proposed. In terms of access it is proposed that a single vehicular access would be created off Lindis Rd located at the former access to Shooters Yard. The new development would effectively form a cul de sac arrangement.
- 2.5 A separate pedestrian access would be created at the south eastern corner of the site leading from the development site to Eastwood Rd. The illustrative plan also indicates separate areas would be set aside to form open space(s) and a sustainable drainage area. Existing public footpaths which cross the site from Lindis Road to the nearby field to the east would be retained and realigned. A large area in the northern eastern corner could be reserved for use as a swale.
- 2.6 The application is accompanied by a Flood Risk Assessment, Contamination Reports, a Transport Assessment, a Travel Plan, Planning, Design and Access Statement, a Tree Report and an Ecology Report.

3.0 Relevant History

- 3.1 There are some expired housing approvals for the small part of the site known as Shooter's Yard but they really have little or no relevance to this application.

4.0 Relevant Policy

Boston Borough Local Plan

- 4.1 The development plan consists of the saved policies of the Boston Borough Local Plan (Adopted 1999). S.38(6) of the 2004 Act requires that determination must be made in accordance with the plan unless material considerations indicate otherwise.

- 4.2 The relevant saved Local Plan Policies to this application are as follows:

- Policy G1 – Amenity
- Policy G2 – Wildlife and Landscape Resources
- Policy G3 – Surface and Foul Water Disposal
- Policy G4 – Safeguarding the Water Environment
- Policy G6 – Vehicular and Pedestrian Access
- Policy G8 – Air and Soil Resources
- Policy H3 – Quality of housing development
- Policy H4 – Open Space on Housing Estates (This policy requires around 7% of the site area to be devoted to suitably located public open space and children's play area).
- Policy CO1 – Development in the Countryside
- Policy C17 – Sites of Local Nature Conservation Interest
- Policy T2 – Roads and Footpaths in New Developments

Emerging South East Lincolnshire Local Plan

- 4.3 The Publication Version of the emerging South East Lincolnshire Local Plan identifies the site as a preferred allocated housing site with a capacity of 180. (Ref: Fis001).

National Planning Policy Framework (NPPF)

- 4.4 The National Planning Policy Framework (NPPF) advises that housing applications should be considered in the context of the presumption in favour of sustainable development subject to the normal development control criteria. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life.
- 4.5 Paragraph 14 of the NPPF supports the presumption in favour of sustainable development and seeks the timely approval of proposals that accord with the development plan and, where the plan is "absent, silent or relevant policies are out of date", to grant planning permission unless there are sound material planning reasons for not doing so. In the absence of relevant or up to date policies – the balance is tilted in favour of permission – 'the tilted balance'.

- 4.6 The application site is in the open countryside and surrounded on three sides by housing which is within the settlement boundary. This site is thus an area where new development is controlled by Policy CO1. This policy would normally seek to resist new development unless the development is supported by other policies. The weight given to the restrictive Policy CO1 needs to be judged against the need for development. In reality it could be argued that the site lies within a sustainable location adjacent to the Borough's principal settlement within reasonable access to local facilities/services.
- 4.7 There are no current saved policies to guide housing development and the lack of a five year supply of housing land means that any policies that are to do with housing supply are 'out of date'. The general effect of para 14 of the NPPF referred to above has now been made a little bit more transparent following a Supreme Court judgment issued in May 2017, - the Cheshire East & Suffolk Coastal Councils cases which appear to confirm that policies like CO1 are not policies for the 'supply of housing', contrary to what the Court of Appeal had determined earlier. Thus we appear to have returned to a point where full weight could be given to Policy CO1.

5.0 Representations

- 5.1 As a result of publicity 13 objections/representations and a petition with 77 signatures have been received. These objections and comments can be summarised as follows:
- Some of the submitted reports are out of date and new reports should be submitted
 - Robust management of traffic flows will be required to ensure safety
 - Width restrictions within the development may help create a safer environment
 - Diversion of footpaths must take into consideration the local residents who regularly use the footpaths to walk their dogs
 - Increase in traffic will cause severe congestion
 - Increased risk to road users
 - Concerns with lack of parking within the development
 - Water, sewerage and electricity operators will be overstretched in the area as a result of this development.
 - Style of houses must be taken into consideration as nearby developments that have been recently built have been poor quality
 - Loss of privacy
 - Excessive noise, litter and pollution
 - No need for more housing in this area
 - The loss of the community in the area
 - There are errors in some of the reports
 - Impact on amenity
 - Impact on the character of the area
 - Visual impact of the development
 - Impact on wildlife and the countryside
 - Lindis Road and the approaches to it are not suitable for the heavy construction lorries that will be required to construct the houses
 - Danger to children due to the construction
 - Piling foundations could damage the houses close to the site

- Concerns over contamination on the site.
- The development will mean an additional 200+ vehicles leaving and entering Lindis Road
- Area is already heavily congested and this will greatly add to the congestion
- Development would add significantly to commuting time
- Suggested modes of sustainable transport are unrealistic
- Impact on schools and doctors surgeries
- Other poorer quality land on the other side of Boston should be used for development rather than this site.
- Site has been identified as being in a 'danger for most' category and should be refused
- Any SUDs system will not be of benefit in a widespread flood
- Concern that some dwellings will be 3-storeys in height
- The developers state there is a Zebra crossing on Freiston Road but this is not true
- Proposals for 340 dwellings to the west of Toot Lane and 79 to the east of Toot Lane have not been taken into account in calculations
- The two bus stops will need moving
- The access into the development is a one-way in and out and another access point should be provided
- The junction at Lindis, Freiston, Woodthorpe and Eastwood Roads is a blind junction and this development will increase the risk of collisions
- Parts of the site are already prone to flooding
- Parents of children walking to school will not feel that their children are safe because of the amount of extra cars on the road. This means that parents will have to use their own cars to take their children to school which will add even more cars to an already busy area
- Possibility of loss of direct sunlight
- Loss of first class arable land
- Removal of buildings at Shooters Yard will disturb toxic materials (asbestos and other dangerous chemicals) buried on the site constituting a danger to nearby residents and the general public
- Increased footfall will result in extra litter and noise
- Construction will result in noise, dust, loud music, swearing and mud on roads

5.2 The cover sheet for the petition, signed mostly by Blackthorn Lane residents, refers to the quietness and level of privacy they presently enjoy; it believes that the Highway Authority is not totally convinced about safety; reference to safety; numbers of houses and car parking spaces; contamination; ecology; concern over flooding; noise and dust during construction. Finally, it reads that "the concentration of buildings and it's population will destroy the very reason why many of us decided to move to Blackthorn Lane. It is a quiet, peace and stable community on the edge of the country".

5.3 The developers undertook a separate community consultation exercise via a drop in session at Fyddell House on the 28 September 2016.

6.0 Consultations

6.1 Fishtoft Parish Council – Raise the following concerns:

- Additional traffic exiting the development in between two other roads (Monteith Crescent and Hardiway)
- Additional traffic at the Lindis Road and Eastwood Road/Freiston Road junction, which has restricted visibility and Tower Road/Freiston Road junction
- No supermarkets or doctors on this side of town
- Lack of parking allocated within development that may impact on emergency vehicles
- Parts of the site already flood and the attenuation pond should be repositioned
- Concerns with regards to the sewerage from the site
- No allocation for the elderly as no bungalows are proposed within the site
- Some of the submitted information is incorrect
- Local doctors and schools already full
- How will social housing element be funded
- Some reports appear to be out of and more up to date reports should be submitted

6.2 The Environment Agency – raise no objections subject to conditions

6.3 NHS England – Originally request a financial contribution of £79,920 towards extending an existing surgery or towards building a new facility. Following the submission of a financial viability appraisal, the developer's offer of £30,000 towards general improvements in health care provision in Boston is acceptable to NHS England.

6.4 Lincolnshire County Council (Education Authority) – (Revised Observations). Ideally would have requested the full financial contribution originally sought from the proposed development, particularly towards providing 32 additional pupils secondary school places. Following the submission of a financial viability appraisal, the developer's offer of £150,000 towards improving education infrastructure is acceptable to the Authority.

6.5 Lincolnshire Wildlife Trust – Raise no objections and support improvements to improve the biodiversity of the site.

6.6 Witham Fourth District Internal Drainage Board – Advise a short length of the open dyke, adjacent to the proposed secondary route should be piped.

6.7 Environmental Protection – Advise no objections subject to contaminated land conditions.

6.8 Lincolnshire County Council (Highway Authority & Lead Local Flood Authority) – raise no objections subject to conditions and that the developer would be responsible for meeting the cost of the relocation of a bus stop.

6.9 Local Housing Authority – Raise no objections subject to a minimum of 15% affordable Housing being provided.

6.10 Lincolnshire County Council Rights of Way Officer – Raises no objections to the principle of the alterations to footpaths within the site subject to them meeting his requirements.

7.0 Planning Issues and Discussions

7.1 The application has been submitted in outline form with all matters reserved for later consideration. This application seeks to provide up to 180 dwellings on the site. Although the submitted plan is indicative it does seek to demonstrate one way in which the number of units proposed can be reasonably achieved without overdeveloping the site and whilst still providing suitable elements of open space/play provision.

7.2 The following key issues are relevant to this proposal:

- Principle of development
- Transportation
- Impact on character, design and residential amenities
- Financial Viability Assessment/Developer contributions
- Affordable Housing
- Open Space/Play Provision
- Flood risk and drainage
- Biodiversity/Natural Environment
- Contamination

Principle of development

7.3 This is a large site adjacent to the settlement development limits of Boston and given that it is surrounded on three sides by existing development, it would not amount to an incursion into the open countryside. It could be regarded as a natural location for development to infill or 'round-off'. It is consistent advice to Committee that the agricultural nature of the majority of the site is not in itself a reason to resist development. It is relevant that the emerging South East Lincolnshire Local Plan would identify the site as a preferred allocated housing site (Ref Fis001). Taking in to account other material planning considerations, it is concluded that there are no planning based reasons for not supporting the principle of residential development on this site.

Transportation

7.4 All developments that generate significant amounts of movement are required to be supported by a Transport Statement or a Transport Assessment. The applicant has submitted a Transport Assessment. This document seeks to provide a thorough assessment of the transport implications arising from the proposed development.

7.5 Guidance says that developments which generate significant movements should be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe (Framework para 32).

- 7.6 In order to assess the ability of local junctions to accommodate the anticipated growth in traffic associated with the proposed development, junction capacity assessments were undertaken at 5 separate junctions, by the applicant's advisors. The proposed trip generation predicted that a development of this capacity would be expected to generate 89 two vehicle trip moments during the AM peak hour of (08:00 – 09:00), with 85 two trips during the PM peak (17:00 – 18:00). The obtained results indicated that all the local junctions were expected to operate well within the recognised capacity. It is therefore concluded that the impact of the development on the local roads is not expected to be severe.
- 7.7 In terms of road safety, it is considered that there are no existing road safety related issues pertinent to the development of the site. It is noted that the proposed site access junction on to Lindis Road, the internal circulation roads and footpaths will be capable of being delivered to appropriate safety design standards with features incorporated into the design. The conclusions reached are that the proposal would not have a detrimental impact on the local highway network and that it would not adversely affect the safety of pedestrians and cyclists.
- 7.8 A Travel Plan has been submitted by the applicant which will seek a package of measures designed to reduce car use originating from new housing by supporting alternative forms of transport and reducing the need to travel in the first place. The development site is considered to be situated within reasonable walking distance of a number of community and health facilities. Adequate public transport facilities are available and accessible. The Travel Plan states that the developer would also seek to appoint an appropriate person to act as travel coordinator to provide a focus for the travel plan.
- 7.9 In concluding, the submitted Transport Assessment and Travel Plan supports national planning policy which sets out that planning should actively manage patterns of growth in order to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable. The Highway Authority has raised no objections and appropriate conditions are recommended.
- 7.10 The proposals would involve minor realignments to existing footpaths/ rights of way within the site, these links should be protected or enhanced and the changes need to be subject to permissions by the Highway Authority.

Impact on design and general character and residential amenities

- 7.11 The NPPF states that developments are expected to be well designed and of a high quality, contributing to the creation of sustainable places where people want to live, work and put down roots to become part of the local community. Clearly, at this outline stage, there is no information in terms of scale, layout or appearance that the applicant has provided or can be required to follow.
- 7.12 In assessing the proposed development, the site is largely a vacant piece of land previously in part agricultural use on the edge of the countryside. A number of small buildings also exist within the site; the largest of which is contained within the former Shooter's Yard close to the Lindis Road side of the site. Other smaller farm buildings exist, some of which are ruins rather than buildings, exist close to the southeast corner of the site. A watercourse runs along most of the eastern boundary with open fields beyond. A mixture of dwellings surrounds the other three sides of the site.

- 7.13 The locality contains a mixture of house types involving detached and semi detached dwellings and bungalows occupying generous sized plots but they all contribute to the general homogenous attractive domestic character of the area. It is acknowledged that post development, the character of this site would alter significantly as it will result in an urban appearance but it could be similar to the existing development bordering the site. The application site does have the potential to result in an imaginative layout, create variety and to also stimulate visual interest in the resulting built form. The applicants have sought to demonstrate that the development could be integrated with the surrounding pattern of development and that it would not lead to a reduction in residential amenities and retain important site characteristics.
- 7.14 Longer distance views of the site from the east are likely to see the new development viewed against the backdrop of the existing built form and thus the visual impact from this direction would be somewhat limited in terms of its harm. The visual harm arising to adjoining countryside to the east is unlikely to be substantial if designed appropriately. Suitable conditions and advisory notes are recommended to guide the developer to facilitate a high standard of design. The applicant has been specifically advised that with the submission of future reserved matters details of the scale, massing, height and layout are required to relate well to neighbouring properties and the local area generally, a mixed palette of materials would be expected and that appropriate landscaping and boundary treatment should be provided to enhance the site.

Financial Viability /S106 Contributions

- 7.15 The issue of viability has become an increasingly important material consideration in decision making. The capacity to deliver essential development is inextricably linked to the delivery of land and viable development. The weighting attached to it needs to be balanced with the circumstances of the specific project, the underlying policy basis and all other relevant material planning considerations. The NPPF advises that planning obligations should only be sought where they meet all of the followings objectives;
- necessary to make the development acceptable in planning terms
 - directly related to the development
 - fairly and reasonably related in scale and kind to the development
- 7.16 Both the Education Authority and the Health Authority have requested financial contributions from the developers towards their services, totalling £1,151,440. These requests were forwarded to the applicants for their consideration.
- 7.17 The developers' initial response was that the current scheme would not be financially viable if the proposed financial contributions were required but following further negotiations agreed to provide a financial viability appraisal and this has been assessed by an independent surveyor. The applicant's viability assessment did highlight that the financial demands made on the scheme would jeopardise the development and render it unviable. In the circumstances further discussions took place with the applicants who subsequently made a final total financial offer of £180,000 towards both education and health provision. The Education and Health Authorities have accepted the developers offer and are prepared to act as signatories to the planning obligation to accompany any approval.

Affordable Housing

- 7.18 In addition to the financial contribution towards education provision, the developer has agreed to deliver a minimum provision of 15% towards affordable housing on site which has been accepted by the Housing Authority. This is considered to be in compliance with the overall wider objectives of the NPPF and your current stance on affordable housing.
- 7.19 In concluding on these matters this proposal would help meet other established planning policy objectives.

Open Space/Play Provision

- 7.20 Saved Local Plan Policy H4 requires approximately 7% of the site area to be utilised to suitably located public open space and children's play areas. It is important with such development that the developer gives adequate thought to the role that public open space will play within the development. Public open spaces should be designed with a purpose in mind. It is important that spaces and routes are attractive, accessible, safe, uncluttered and work effectively for all users – including families, people with disabilities and senior citizens. It is envisaged that a system of accessible open and green spaces that respect the existing natural features of the site can be achieved from this development.
- 7.21 The indicative layout is seeking to promote two separate areas of open space as part of the development. These appear to be poorly sited in urban design terms. The applicant has been advised to combine the two individual sites into one larger open space at reserved matters stage.

Flood Risk & Drainage

- 7.22 In terms of the planning policy approach on this matter, developers are encouraged to seek opportunities to reduce the overall level of flood risk in the area through the layout and form of the development and through the use of appropriate sustainable drainage measures. The application site falls within Flood Zone 3a which is defined as having a high probability of flooding and the Council's Strategic Flood Risk Assessment (Revised 2010) shows the locality as having a medium probability of flooding.
- 7.23 The applicant has provided a combined Flood Risk Assessment and Drainage Statement. The applicants are seeking to demonstrate how flood risk would be managed on the site and that the development would be safe for its lifetime taking into account the vulnerability of its users and that it won't increase flood risk elsewhere. With regard to flood protection measures, the ground floor living accommodation for each dwelling would be raised by 1m above the existing ground level to a 3.10m AOD, with regard to flood resilient construction measures of 300mm above the predicted floor level being provided and the development would also incorporate demountable flood defence structures to all external doorways. The Environment Agency raises no objection to the principle of the development.

- 7.24 For surface water, the applicants propose to utilise attenuation techniques to reduce storm water discharge by creating a sustainable drainage swale within the site. Conditions are recommended to ensure that an appropriately designed swale is provided which would be incorporated in to the overall design within the site. The Internal Drainage Board raises no objection to the principle of the development subject to the necessary attenuation works being carried out.

Biodiversity/Trees

- 7.25 An Ecological Appraisal has been submitted by the applicant and to demonstrate the need to contribute to conserving and enhancing the natural environment. The ecological assessment concludes that there are currently no ecological constraints associated with protected species, habitats or plant species. However it is recommended further bat surveys are carried within the existing outbuildings on the site before works are commenced in connection with the proposed development. Conditions are also attached to protect nesting birds and promote general enhancement measures at the site and ensure surveys are carried out. The Wildlife Trust raises no objections.
- 7.26 An Arboricultural report has also been submitted with the application. It is implicit that the majority of trees within the site itself would be impacted by the removal of top soil to decontaminate the site which would affect the stability of these trees which are allocated for removal. Trees along the perimeter would entail tree protection works being carried out. Conditions are recommended to ensure enhanced landscaping and boundary details are submitted including the planting of appropriate trees. A high quality landscape, with a variety of semi mature trees and semi-natural habitats, open space and play provision would make an important contribution to the quality of the area.

Contamination

- 7.27 With regard to matters relating to contamination and geotechnical related issues, the applicant has submitted a Contamination Report with the application. This report relates to a site appraisal which includes ground water/gas monitoring which was carried out in January and February 2016. It is advised that further survey work should be carried out relating to the removal of contamination including potential asbestos from building/structures identified within the site.
- 7.28 It also advises on the removal of and methods of dealing with other forms of waste on the site. Subject to the issues identified being addressed it is concluded that the site could be made suitable for residential purposes. The Environmental Health Officer raises no objections subject to conditions.

8.0 Summary and Conclusions

- 8.1 Overall, taking into account the revised information, the relevant development plan policies as a whole and noting that the National Planning Policy Framework seeks to proactively drive and support sustainable economic development to deliver new homes it is reasonable to conclude that the proposed development is acceptable. The absence of a five year supply is a factor in favour of this application in a logical extension to or rounding off of the settlement boundaries.
- 8.2 This proposal with very careful design and thought would integrate well with the existing character of the area and would not be detrimental to residential amenities or conflict with matters relating to transportation matters, biodiversity, flood risk or contamination. Conditions are recommended to safeguard amenity.
- 8.3 The sustainability benefits of the proposed development to the community outweigh any concerns raised.
- 8.4 For the reasons set out above and subject to the completion of a planning obligation to provide affordable housing and financial contributions towards education and health provision, it is considered that there are no adverse affects in granting outline planning permission that would significantly and demonstrably outweigh the benefits of this development when assessed against the aims and objectives of the National Planning Policy Framework and Local Policy context.

9.0 Recommendation

- A:** That Committee receives the petition and takes it into account in the consideration of the application, and
- B:** It is recommended that Committee is minded to Grant outline planning permission subject to conditions and upon the satisfactory completion of a S106 Planning Obligation to secure the following:-
- a) On – site Affordable Housing provision at 15% of the total number of dwellings approved, with 70% being Affordable Rented and 30% being Shared Ownership in accordance with the NPPF definition of Affordable Housing which shall thereafter be pepper potted around the application site.
 - b) A financial contribution of £150, 000 Index linked, towards improvements in education provision.
 - c) A financial contribution of £30, 000 Index linked, towards improvements in health facilities provision.

C: Authority is delegated to the Development Control Manager to release the permission upon the satisfactory completion of the obligation based upon the terms above. If the obligation is not concluded within three months, the application will be returned to Committee.

Conditions and reasons

1. No development shall commence until details of access, appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) have been submitted to and approved in writing by the local planning authority.
Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.
2. Application for approval of all reserved matters shall be made not later than three years beginning with the date of this permission.
Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.
3. The development must be begun not later than the expiration of two years from the final approval of reserved matters, or in the case of the approval of reserved matters on different dates, the final approval of the last such matter to be approved.
Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.
4. If the submission of reserved matters is to be phased, a phasing plan defining the area for each reserved matters application shall be submitted alongside the first reserved matters application. Further reserved matters applications shall be made in accordance with this phasing plan.
Reason: The application is in outline form only and to comply with Section 92 of the Town and Country Planning Act 1990.
5. The application hereby approved shall relate to no more than 180 dwellings.
Reason: To define this permission in the interests of the amenities of the area and taking account of saved Local Plan Policy G1.

6. Prior to the commencement of the development hereby permitted, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved CEMP. The CEMP shall include, though not necessarily be restricted to the following details;

- a) A Traffic Management Plan incorporating the routing of construction traffic and details of heavy vehicle movements patterns (including earliest and latest times and the suspension of trips during peak traffic times along Lindis Rd/Eastwood Rd;
- b) Measures to avoid disturbance to nesting birds and other wildlife;
- c) Measures to minimise and control noise, vibration, dust and fumes during the site
- d) Details of the on – site parking facilities of all vehicles of site operatives and visitors;
- e) The unloading and loading arrangements for heavy plant and machinery;
- f) The location, extent and duration of any stockpiling area;
- g) A Tree protection plan and measures to protect trees identified for retention during the construction which shall be in accordance with BS5837 Trees in Relation to Construction;
- h) Measures to prevent mud being deposited on the surrounding highway;
- i) A programme of implementation for items (a) – (h) above.

Reason: To minimise the impact of the impact of the development during the construction and to accord with saved Policy G1 of the adopted Boston Local Plan.

7. No construction activities shall take place outside the hours of 08:30 to 18:30 Mondays to Fridays and on Saturdays outside the hours of 09:00 and 14:00 hours and not at anytime on Sundays/Public/Bank Holidays.

Reason: To minimise the impact of the development during the construction and to accord with saved Policy G1 of the adopted Boston Local Plan.

8. The detailed layout of area(s) of public amenity open space/children's play area shall comprise not less than 7.2% of the gross site area which maximises as far as possible its amenity value and the layout of the proposed swale. The area(s) of public amenity open space shall include the provision of play equipment and shall be laid out in a manner to be agreed in writing by the Local Planning Authority and made available for use before 50% of dwellings constructed on the application site are first occupied. This area shall not at any time be incorporated within the curtilage of a dwelling.

Reason: To provide a satisfactory level of publicly available amenity open space/play provision within the development and to accord with the objectives of saved Policy H4 of the Boston Borough Local Plan and provide an acceptable layout for the proposed Swale to accord with the objectives of saved Policy G1 of the Boston Borough Local Plan and secure the satisfactory development of the site and the aims and objectives of the National Planning Policy Framework. The Development shall then be carried out in accordance with the approved details.

9. No development including demolition shall, take place until a further bat survey has been carried and a report of its findings submitted to and approved in writing by the Local Planning Authority. The report shall include, where appropriate whether the presence of bats/bat roosts are established within the application site and recommend measures to safeguard the protected species. Such measures should be carried out in accordance with a programme to be incorporated in the report and agreed in writing with the Local Planning Authority.

Reason: This is a pre-commencement condition to accord with the interests of biodiversity and to comply with saved Policy G2 of the adopted Boston Local Plan and the aims and objectives of the National Planning Policy Framework.
10. No development comprising the erection of any dwellings units shall take place until details of finished site and ground floor levels in relation to the existing site levels, adjoining land and dwellings have been submitted to and approved in writing by the Local Planning Authority. The details shall include the proposed grading and mounding of land areas, cross sections through the site and relationship with the adjoining land form and buildings. The development shall thereafter be implemented in accordance with the approved details.

Reason: In order to secure the satisfactory development of the application site and to minimise the impact on surrounding occupiers and to accord with saved Policy G1 of the adopted Boston Local Plan.
11. Development shall not be commenced until a Travel Plan has been submitted to and approved in writing by the local planning authority. Those parts of the approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: In order that the local planning authority conforms to the requirements of the National Planning Policy Framework, a Travel Plan has been conditioned to ensure that access to the site is sustainable and reduces dependency on the car.
12. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved drainage scheme and no dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details.

Reason: In accordance with the details of the application and to ensure for the satisfactory, sustainable drainage of the site, to ensure that surface water runoff from the development will not adversely affect, by reason of flooding, the safety amenity and convenience of the residents of this site and vicinity and to accord with Adopted Local Plan Policies G1 and G6.

13. The development hereby permitted shall not be commenced until details of a comprehensive contaminated land investigation report has been submitted to and approved in writing by the Local Planning Authority (LPA) and until the scope of works approved therein have been implemented. The assessment shall include all of the following measures:
- a) A Phase I desk study carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the LPA.
 - b) A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle and takes into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the LPA.
 - c) A methodology and timescale for the treatment or removal of the underground petrol filling station tanks which form a part of the development site.
Reason: To ensure potential risks arising from previous site uses have been fully assessed and to accord with the intentions of the NPPF (2012). This is a pre-commencement condition because potential contamination on the site has not yet been fully assessed and agreed mitigation measures need to be agreed prior to the commencement of works.
14. Where the risk assessment (see preceding condition) identifies any unacceptable risk or risks, a detailed remediation strategy to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted and approved by the LPA. No works, other than investigative works, shall be carried out on the site prior to receipt of written approval of the remediation strategy by the LPA.
Reason: To ensure the proposed remediation plan is appropriate and to accord with the intentions of the NPPF (2012).
15. Remediation of the site shall be carried out in accordance with the approved remediation strategy (see preceding condition). No deviation shall be made from this scheme without the express written agreement of the LPA.
Reason: To ensure site remediation is carried out to the agreed protocol and to accord with the intentions of the NPPF (2012).

16. On completion of remediation, two copies of a closure report shall be submitted to the LPA. The report shall provide validation and certification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.
Reason: To provide verification that the required remediation has been carried out to the required standards and to accord with the intentions of the NPPF (2012).

17. If, during development, contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the LPA.
Reason: To ensure all contamination within the site is dealt with and to accord with the intentions of the NPPF (2012).

In determining this application the Borough Council have worked positively and proactively with the applicant securing additional details as required by the guidance in paras 186 – 187 of the NPPF (2012) in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

Paul Edwards
Development Control Manager