

BOSTON BOROUGH COUNCIL

Planning Committee – 6 February 2018

Reference No: B/17/0317

Expiry Date: 15-Nov-2017

Application Type: Outline Planning Permission
Proposal: Hybrid outline application for residential development (up to 200 dwellings) consisting of:

- * Construction of 71 dwellings (phase 1) and associated infrastructure including access, layout, scale, landscaping and appearance
- * Construction of up to 129 dwellings including access with all matters reserved for later approval

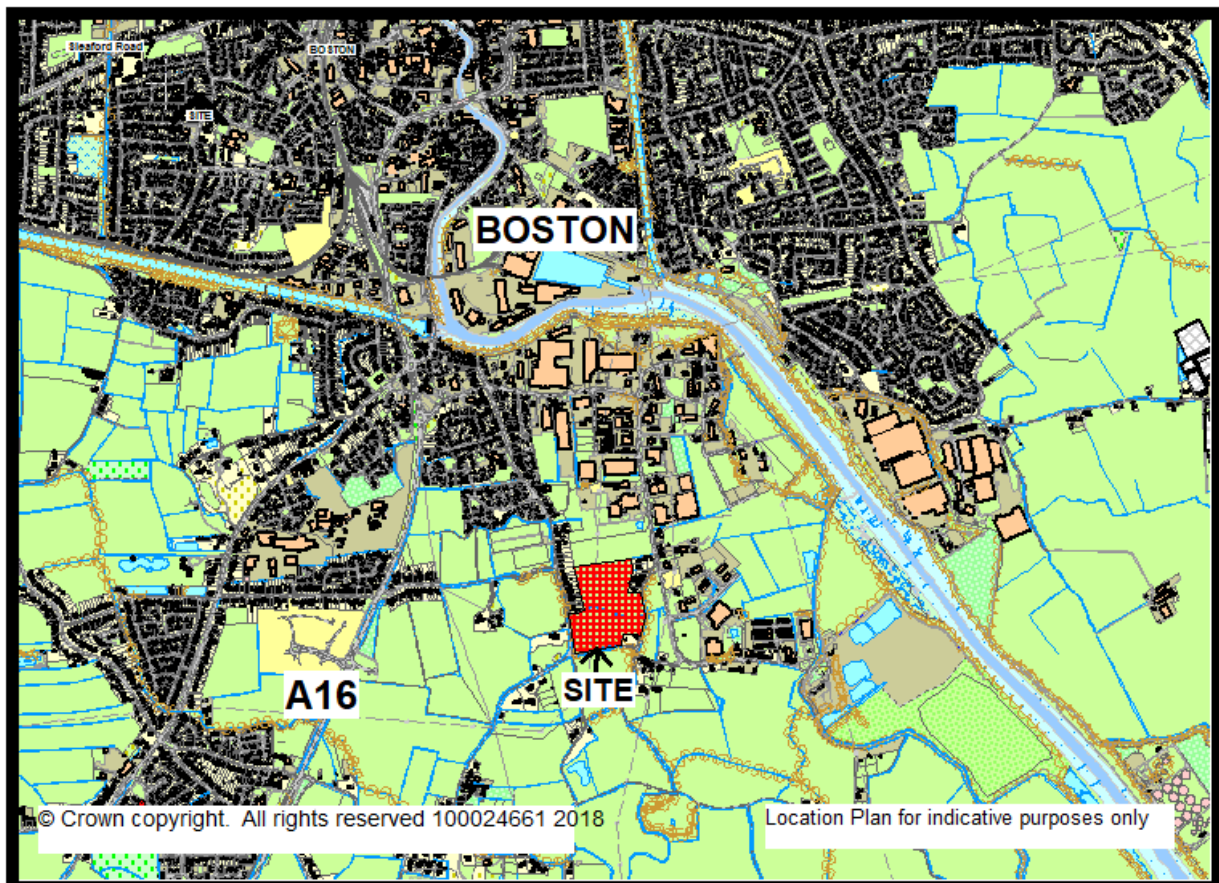
Site: Land off Wyberton Low Road, Wyberton, Boston, PE21 7SF

Applicant: Mrs Rebecca Archer- Chestnut Homes Ltd

Ward: Wyberton, St. Thomas'
Parish: Boston Town Area Committee, Wyberton Parish Council

Case Officer: Trevor Thompson
Third Party Reps: 13 plus 1

Recommendation: Delegate to Approve



1.0 **Reason for report**

1.1 This application has been presented to the Planning Committee because it represents a departure from the Development Plan and objections have been received from neighbouring residents and the Wyberton Parish Council.

2.0 **Application Site and Proposal**

2.1 The application site is currently used for agricultural purposes and covers in total approximately 7.9 hectares. The site fronts onto Wyberton Low Road to the west, Slippery Gowt Lane to the south and Heron Way to the east. The site is split into two parcels of land by an open drain. This drain forms part of the parish boundary separating Wyberton and Boston. Thus the site lies both within Boston and the parish of Wyberton. It is about 0.6km from Wyberton village. Overhead electricity power cables bisect the site supported by pylons. There are also open drains along the south and western boundaries.

2.2 There is existing residential development along Wyberton Low Road to the west and north of the site and along Heron Way to the east. Baptist Farm lies at the south east corner of the site at the junction of Slippery Gowt Lane and Heron Way. There are open fields to the south, on the opposite side of Slippery Gowt Lane and to the east and to the south west along Low Road. An area of tree planting lies adjacent to the northern boundary with industrial uses beyond this landscaped buffer zone to the north. Industrial uses lie further to the east.

2.3 This is a hybrid outline application for residential development up to a maximum of 200 dwellings with associated infrastructure. The first phase comprises 71 dwellings on land which covers about 2.5 hectares. All of the 'reserved matters' (including access, layout, scale, landscaping and appearance) have been submitted for this first stage such that it is effectively a full application inside the outline.

2.4 The outline application includes the construction of up to 129 dwellings including access with all matters reserved for later approval. This area is split into two parts, collectively covering about 5.4 hectares. The smaller area which is effectively inside the overall boundary of the first phase is for self build development for 5 plots.

2.5 The development of up to 200 dwellings is envisaged to be predominantly affordable housing, including a mix of tenures. The housing mix of the first phase of the development is as follows:

- 43 affordable housing dwellings
- 6 rent to rent to homebuy dwellings
- 11 shared ownership
- 18 starter homes/market housing

2.6 The site will be served by a singular vehicular access off Wyberton Low Road. It is also intended to extend the existing footpath along Wyberton Low Road to this development to create a continuous pedestrian route.

2.7 The application is accompanied by:

- Design and Access Statement which includes a masterplan which shows how the site may be developed.
- Planning Statement
- Flood Risk Assessment and outline drainage strategy
- Preliminary Ecological Appraisal and Water Vole survey report
- Archaeological Geophysical Survey
- Transport Assessment

The application has been amended since original submission which includes amendments to the layout, a supplementary transport assessment and a revised Flood Risk Assessment. These matters are discussed below.

3.0 **Relevant History**

- 3.1 Planning permissions have been granted in the past for industrial developments on parts of this site though these permissions have all expired.
- 3.2 In addition, planning permission was granted in September 2017 on land approximately 15m to the east of the site off Marsh Lane/ Heron Way for the installation of 15no. containerised units for the storage of electricity and ancillary infrastructure. This permission has not yet been implemented though the implications of this approved development on the amenity of the future residents of this development is discussed in section 7 of this report.
- 3.3 In December last year an outline application for the erection of up to 85 dwellings including access with all other matters reserved for later approval at land to the west of Stephenson Close to the north west of the site was submitted. (ref B/17/0515). This application has not been determined.

4.0 **Relevant Policy**

- 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 There are no unused allocations or up to date policies to guide the location of housing development in the saved policies of the 1999 Local Plan. The lack of a five year supply means that any policies that are for the supply of housing are 'out of date'.
- 4.3 The site is specifically identified within the development plan as a proposed industrial commercial area and forms part of a much larger area of land allocated for this use. It is also located the edge of the settlement boundary. Although the site consists of open, agricultural fields, it is not, in Local Plan terms, within countryside and effectively forms part of the settlement of Boston. However part of the site is located within the Parish of Wyberton.
- 4.4 Policy C01 which relates to development in the countryside is not directly relevant though the need to protect the surrounding countryside in accordance with the objectives of the NPPF is a material consideration.

4.5 The saved Local Plan Policies of relevance to this application are as follows:

- Policy G1 – Amenity
- Policy G2 – Wildlife and Landscape Resources
- Policy G3 – Surface Water Disposal
- Policy G4 – Safeguarding the Water Environment
- Policy G6 – Vehicular and Pedestrian Access
- Policy H2 – Windfall housing sites within settlements
- Policy H3 – Quality of Housing Development
- Policy H4 – Open Space in Housing Estates
- Policy T2 – Roads and Footpaths in New Developments
- Policy ED1 – Development in Industrial/commercial areas

National Planning Policy Framework

4.6 Committee will be aware of the NPPF guidance in respect of housing applications being considered in the context of the presumption in favour of sustainable development. In addition, it goes on to state that 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”. In the absence of a five year supply in the Borough the presumption in favour of sustainable (housing) development applies.

SELLP

4.7 As Members are aware, it is considered that limited, if any, weight should be given to the SELLP in the determination of this application.

5.0 Departure from the development plan

5.1 The application has been publicised as a departure from the development plan in accordance with the regulations since it does not have any allocation or policies in the adopted Boston Borough Local Plan (1999) which would appear to support it. A ministerial Direction requires a planning authority to consult the Secretary of State before granting planning permission for certain categories of development (Direction in the former Circular 2/2009). This gives the Minister the opportunity to ‘call in’ for his own determination. Given the size and nature of this application, there is no requirement to refer it to the Minister if you are proposing to approve or refuse the application.

6.0 Representations

6.1 At the time of writing this report 13 letters of representation have been submitted from the occupiers of the following properties:

- 154 Wyberton Low Road, Boston
- 170 Wyberton Low Road, Boston
- 180 Wyberton Low Road Boston
- 184 Wyberton Low Road, Boston
- ‘Manor Lodge’, Wyberton Low Road, Boston
- 1, The Stables, Heron Way, Boston,
- 2, The Stables, Heron Way, Boston
- ‘Hillary’ Heron Way, Boston
- Cherry Tree Lodge, Low Road, Wyberton (x2)
- Greenways, Low Road, Wyberton
- Chesingham, Crosshill Lane, Wyberton
- DCI, Marsh Lane, Boston

The objections received may be summarised as follows;

Impact on residential amenity

- Loss of privacy,
- loss of light,
- noise disturbance during the construction period and when the development has been completed
- concerns over unsociable behaviour of future residents
- adverse impact on visual amenity,
- concerns over elevated height of dwellings as a result of flood risk which will dominate existing dwellings and result in overlooking
- concerns about design and layout of future phases of development and impact on residential amenity
- impact of overhead electricity line on future residents and incompatibility between housing and industrial uses, close to recycling centre and land fill site
- One neighbour is 'pleased' that the development of the site will be changed from industrial to residential.

Impact on wildlife and habitat

- Impact of light pollution on wildlife,
- site is a haven for wildlife and need to retain existing trees
- Site has become the winter feeding ground for Little Egrets

Impact on highway safety

- Increases traffic generation and congestion,
- The traffic counts for the Transport Assessment were undertaken when one of the roads was under a temporary closure and therefore, the analysis of the movements through the modelled junctions would not therefore be representative. The TA is not robust, is inadequate and does not reflect the true consequences of the development
- TA does not take into account future traffic that would be generated by UK Biomass,
- development will affect local highway network which does not have capacity to accommodate this development,
- Tytton Lane East, Wyberton Low Road and Slippery Gowt Lane have become rat runs to the industrial estate
- Local highway network is subject to weight restrictions
- Cars leaving and accessing Marsh Lane use Slippery Gowt Lane to avoid traffic lights on Marsh Lane
- Tytton Lane East is also a rat run for school traffic, it is in part a narrow country lane and has no footpaths with limited lighting
- Traffic from development will use Wyberton Low Road to get to Boston which is already congested due to school and parking restrictions
- increased risks to children's' safety especially during the 'school run',
- one access for 200 houses is not enough
- site is at dangerous corner, along a narrow road (5.8m wide) and outside 30mph speed restriction, close to a 60mph bend
- cars already travel at speed along Wyberton Low Road so more cars will create more hazards
- need for traffic calming measures along Wyberton Low Road and other road safety precautions

- need for a path along Wyberton Low Road which will be difficult due to narrowness of road
- proposed new access and estate road will be directly opposite entrance which serves an existing dwelling. No pedestrian footpath fronting site.
- major supermarkets are all located on the other side of Boston so any extra traffic will either travel to Boston or use West End Road which is already congested.
- Site access will be close to the 'Stump Cross' junction- Slippery Gowt Lane has a width restriction

Flood risk, foul water disposal and third party surface water flooding

- Concerns about surface water disposal and effect on local drainage and access to waterways,
- Local sewerage system is at capacity
- Raised land levels and slab levels may cause third party flooding
- Site is within a high risk flood area and less than 1km from the tidal river and Slippery Gowt where the bank was breached in 2013

Loss of agricultural land

- This development will result in the loss of good, well shaped arable land

Development Plan

- Site is outside the settlement boundary of Boston and Wyberton
- Site is designated in the Local Plan for industrial purposes but in the new emerging Local Plan it has no designation. In neither plan is the site earmarked for housing

Sustainability

- The site is in an unsustainable location given that the nearest bus stop and shop is about 1 mile away
- Site is not on a bus route. Call-connect is not a timetabled service that can be taken into consideration.
- No amenities in the area for children or teenagers,
- There is no public transport and future residents will need to use private motor vehicles to gain access to facilities.
- Submitted report which accompanied the application suggests that it is an 18 minute 'brisk walk' to nearest convenience store. The neighbour suggests this is questionable.

Development will not contribute to the distributor road

Impact on the character of the area and pattern of development

- Site forms a buffer between Marsh Lane Industrial area and residential area,
- development will distort the natural pattern and balance of housing in the area and will affect character and 'visual connection' with countryside,
- properties affected by this development are mainly detached properties and bungalows which have been developed on a non estate, individual basis.
- development will disproportionately dwarf existing neighbourhood and existing properties will be overshadowed by density and style of development,
- development will be harmful to the open and undeveloped rural character of area,
- loss of wide views across agricultural land,
- concerns regarding style of low cost housing which does not fit into rural location and number of houses being proposed

Adverse impact on local infrastructure

- Impacts on local schools including St Thomas School which is understood to be at full capacity and no room for future expansion
- Need for another school
- Impact on local GP surgeries and hospital. Nearest medical facilities are in Liquorpond Street or Kirton
- impact on local amenities such as water pressure, gas and electricity

Adverse impact on local businesses and local economy

- Site is a buffer between residential and industrial uses. Many of the businesses on the industrial estate are inappropriate to be located close to housing.
- Presence of new housing may potentially impact on future economic development activity of vacant land on industrial estate. Objections may be raised by future residents of this development to future industrial development.

Layout

- Number of self build plots is disproportionate to number required on such a large development

Need for the development

- Development is too soon for the area when new houses are already being built for local need.

6.2 Following the submission of amended details as identified above, the occupiers of the neighbouring properties were re-notified and additional site notices were erected. At the time of writing one additional letter has been received from the occupier of the following property:

- Cherry Tree Cottage, Low Road, Wyberton.

The occupier has raised the following concerns:

- A pair of semi –detached pair of properties would look more in keeping with the rest of Wyberton Low Road than the proposed block of 3 terraced houses fronting Wyberton Low Road. A terrace of three properties introduces an urban element to this rural location

6.3 It is considered that given none of the neighbours who made representations relating to the original scheme have withdrawn their objections means that the original comments are still relevant in the determination of this application.

7.0 **Consultations**

7.1 Wyberton Parish Council has raised *objections* to this application on the following grounds:

- The road network in the Wyberton Low Road area will be unable to cope with the development
- The development is unsustainable, the nearest shop and bus route is a mile away
- The local primary school is also a mile away

7.2 County Highways Authority has no objections subject to 5 conditions.

7.3 Environmental Health has no objections but points out that any approval for residential development may limit the type of industrial development that may be considered acceptable on the adjacent allocated industrial land.

7.4 Boston Borough Council Economic Development Manager has no objections.

7.5 Lincolnshire Police has no objections.

7.6 NHS England has written to say that 'it will not be putting in a section 106 tender' for this development.

7.7 LCC Strategic Development Manager (Education) considers that this development will impact on local schools and has requested an education contribution of a minimum of £1,054,681 to be secured through a section 106 agreement. This matter is discussed below.

7.8 Local Housing Authority is supportive of the application subject to a number of conditions. This matter is discussed below.

7.9 Lincs Wildlife Trust has no objections subject to conditions which provide for the enhancement of biodiversity as detailed in the submitted ecological appraisal

- 7.10 Anglian Water Services has no objections subject to conditions which require the submission of a foul water strategy and surface water management strategy.
- 7.11 Natural England has no objections
- 7.22 Western Power has not yet commented
- 7.23 Black Sluice Internal Drainage Board has no objections but points out the existence of a 9m local by-law which restricts buildings and planting within this 9m unless it has the prior approval of the BSIDB. The board points out that the submitted plan shows planting within the 9m bye-law.
- 7.24 Environment Agency has no objections subject to two conditions.
- 7.25 National Grid has not commented. (note: the time period for National Grid making representations expires on the **12th February 2018**).

8.0 Planning Issues and Discussion

8.1 The main considerations in the determination of this application are:

- Principle of development having regard to Local Plan policies, the NPPF and the 5 year supply
- Loss of agricultural land
- Landscape and visual impact
- Loss of employment land
- Affordable housing
- Proposed off-site contributions – Legality and practicality
- Impact on residential amenity
- Impact on highway safety
- Foul and surface water disposal and Flood risk
- Impact of wildlife habitat
- Design and density of development
- Sustainability

Principle of Development

- 8.2 The Boston Borough Local Plan allocates the site as 'Proposed Industrial/Commercial Area. One of the objectives of Local Plan policy ED1 is to ensure that sufficient land is available in the Borough for industrial or commercial development. The proposed residential development of this site therefore does not accord with this policy and the application has been advertised as a departure.
- 8.2 The Borough does not have a five year housing land supply and therefore the presumption within the Framework replaces the housing supply policies in the Plan. Assessment against the development plan as a whole is the starting point but the Framework's 'presumption' in favour of sustainable development and that in principle the proposed development at the present time would make a significant contribution towards meeting a five year supply is a material of substantial weight.
- 8.3 Balanced against this 'presumption in favour' will be that this development will have an impact on the character of the area, highway safety, residential amenity, that the development would lead to a loss of allocated industrial land and agricultural land

Loss of agricultural land

- 8.4 The application site covers 7.9 hectares of agricultural land. The DEFRA database that the Council has access to indicates that site is grade 1. Paragraph 112 of the NPPF advises that poorer quality land should be used in preference to the best and most versatile agricultural land. Guidance also indicates that if significant development is demonstrated to be necessary, authorities are to seek to use areas of poorer quality in preference to that of higher quality. There are no saved Local Plan policies to do with the protection of agricultural land.
- 8.6 Officer opinion is that it is clearly inevitable that high quality agricultural land will always be under pressure for development when much of the land surrounding Boston is high quality agricultural land, there are no remaining housing allocations in the Local Plan and that there is not a five year land supply (para 32). Thus, it is not considered that the loss of 7.9 hectares of grade 1 land will pose as a major constraint to this development. Furthermore the loss of grade 1 agricultural land was not a reason to refuse the housing application at Middlegate Road, Frampton in July of this year. Policy G9 of the Local Plan which resists development on best and most versatile agricultural land is not a saved policy.

Landscape and visual impact

- 8.7 The site is located in a semi –rural /edge of settlement location and is used for agricultural purposes. It is characterised by its flat open landscape which is bisected from east to west by open a watercourse with similar open drains along the western and southern boundaries. Parts of the site's boundaries adjoin residential properties along Wyberton West Road, Slippery Gowt Lane and Heron Way. As indicated above the site is also bisected by overhead electricity power lines with pylons.
- 8.8 The site clearly is not previously developed land but neither is it of high environmental value given it is not specifically nationally or locally designated as a protected site or having any landscape value. However the open characteristics of the site may provide value to the visual amenities of residents and may possess some local value in the wider context. It may also be considered to provide an effective buffer and a clear demarcation between town and country. There are no public rights of way across the site so public views of the site will be largely from the surrounding highways and from neighbouring properties.
- 8.9 The development will represent a significant change to the open characteristics of the surrounding area though the same case may be made if the site were to be developed for industrial purposes in accordance with the site's designation of the Local Plan. However, it may also be argued that the likelihood of the site ever being developed for industrial purposes may be somewhat remote given the lack of interest for industrial development since the Local Plan was adopted in 1999 apart from the planning history identified above.
- 8.10 The fact that this site is allocated for industry in the Local Plan does not mean that this Committee has a choice of accepting either residential development or industrial development on this site since each application for such development would clearly be judged on their merits. However the site's allocation for industrial development in the Local Plan effectively means that for plan purposes, the principle of industrial use is acceptable and the lack of a 5 year supply of housing land effectively triggers the NPPF 'presumption in favour' of sustainable residential development. In terms of impact on the surrounding landscape character, both industrial and residential development on this site will have a substantial impact though it would be fair to say that the nature, scale and characteristics of such impact of both forms of development will be different.

- 8.11 Members may recall that the Inspector at the Middlegate Road appeal considered that the appeal site was of 'medium value and sensitivity' and whilst acknowledging the development would have some adverse impacts on the landscape, the Inspector concluded that these impacts would 'not be so significant that the development would breach the respective thresholds of acceptability' and would comply with Local Plan policies G1 and G2. However in addition to this, Inspector also concluded that the appeal development would cause 'significant harm in terms of loss of open views'.
- 8.12 The appeal site and the current application site are clearly different, in terms of size, location, local characteristics and relationships with the adjacent urban form and land uses. Furthermore each application is assessed on its own merits. Nevertheless the fact that the Inspector considered that the appeal site was of 'medium value and sensitivity' leads me to conclude that the landscape value of the current application site may only be judged as 'moderate' at best given its relationship with industrial land uses and the existence of overhead power lines and pylons which bisect the site which may undermine to some extent the landscape quality of the site.
- 8.13 In addition, the inspector also concluded that the appeal application would not constitute an incursion into the open countryside but would be viewed as an extension to an existing urban area. I believe that the same may be the case with the current application. Wyberton Low Road, Slippery Gowt Lane and Heron Way form part of the boundaries of this site and that it may be argued any approval would not necessarily result in further encroachment into the countryside or a coalescence of other urban development or settlements since these roads act as the natural boundary to this part of the settlement
- 8.14 It is not considered that this development would substantially harm the character of the countryside sufficient to warrant a refusal of this application.

Loss of employment land

- 8.15 As indicated above the application site forms part of a much larger area designated in the adopted Local Plan as a proposed industrial /commercial area.
- 8.16 Paragraph 22 of the NPPF states that *'Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities'*
- 8.17 This suggests that it is appropriate to set aside the provisions of Local Plan policy ED1 provided there is evidence that there is unlikely to be any future demand for the allocated employment land. Although it may not attract any weight, the emerging South East Lincolnshire Local Plan does not identify the site as employment land but as being within 'countryside'.
- 8.18 The applicant points out that the South East Lincolnshire Local Plan: Employment Land Technical Paper (March 2017) confirms that there is an oversupply of employment land in the area. It also concludes that "market signals indicate that all of the available land would not be delivered in the plan period. A reduced amount of land should be allocated in this location for employment use".
- 8.19 Thus, it would appear that the proposed development on this industrial land will not lead to an under supply of industrial land in the Borough and would not conflict with the objectives of Local Plan Policy ED1.
- 8.20 This Council's Economic Development Manager has no objections to this application.

Affordable housing

- 8.21 The proposed development of 200 homes will be predominantly affordable housing with a variety of different types of tenure. The first phase of this development which consists of 71 dwellings includes 11 market housing with the remainder of the housing being a mixture of affordable rent, rent to homebuy and shared ownership. The applicant indicates that overall the development will consist of a minimum of 60% affordable housing units for the whole site and this percentage may increase in the later phases.
- 8.22 *Local Housing Authority supports this predominantly affordable housing scheme providing the S106 agreement includes provisions for a minimum of 60% of the of the scheme to be provided as affordable housing with 50% of this delivered as rented affordable housing i.e. social rent, affordable rented, intermediate rent.*
- 8.23 It should also be noted that this Council's current stance on affordable housing is that for eligible sites, developers should provide a minimum of 15% affordable units, subject to viability. This scheme well exceeds this requirement.

Developer contributions and the impact on local schools

- 8.24 Where a relevant determination is made which results in planning permission being granted for development, a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 8.24 The LCC Strategic Development Manager (Education) considers that this development will impact on local schools and has requested an education contribution of £1,054,681 to be secured through a section 106 agreement in order to mitigate this impact at local level. This request is split into the following three categories:
- Primary £383,398
 - Secondary £560,718
 - Sixth Form £110,565
- 8.25 It is intended that the money will be spent on the following projects;
- Primary – Towards a ninth and tenth classroom at Wyberton Primary School
 - Secondary – Towards the provision of an additional science laboratory at Haven High Secondary School
 - Sixth Form – Towards one additional mathematics classroom at Boston Grammar School.
- 8.26 The LCC Strategic Development Manager (Education) considers that given part of the proposal is in outline form a formulaic approach should be taken in the s106 agreement which may result in a higher contribution if a high proportion of large houses are built.

8.27 The applicant has been informed of this request and has made the following comments:

'CHL are unable to agree to any financial contributions on this site. This is a predominantly affordable led housing scheme, which seeks to provide a range of housing to meet the local need. Affordable housing is predominately for local people already residing in the area – hence we are not creating “additional” need but rather providing new housing for those already in need. Further the provision of market housing on the site is to facilitate the enhanced provision of affordable housing proposed.'

8.28 The applicant has not submitted a financial justification setting out the viability of the scheme with regard to the education contribution and the balance here for Committee is that although not providing an education contribution would be contrary to the direction that major applications have been following in the past when there has been such a request; this should be balanced against the level of priority Committee would give to delivering a minimum of 60% affordable housing scheme consisting of up to 200 dwellings which appears to be capable of viable delivery in the short term. In the absence of a formal policy and without an agreement, the ability to resist this application without an education contribution may be limited.

Impact on residential amenity

8.29 Local Plan Policy H3 of the Local Plan would resist new windfall housing which does not provide pleasant, secure environments for residents; are incompatible with the existing character of the area; are close to an existing use which is likely to cause environmental problems to future residents; or will cause or significantly aggravate adverse traffic conditions on the public highway. Policy G1 is the general development control policy which has some overlap with Policy H3. The test in the policy is that permission would only be granted if a proposal will not 'substantially harm' amenities of neighbours or the general character of the area.

8.30 It is true to say that the presence of new buildings on open land where none exists at present will be intrusive and have, to some extent, an impact on the amenity of the neighbours. It is also equally true that this development will generate both pedestrian and vehicular traffic which may have some impact on residential amenity. However Wyberton Low Road is a busy road and it is likely that any increase in traffic noise as a result of this development will be negligible compared to the noise being generated by existing traffic movements. Furthermore although there may be noise disturbance that would be caused by additional traffic during the construction of the development, it is considered that it will not cause substantial harm sufficient to warrant refusal of the application. A condition may be imposed on any permission granted which requires the submission of a traffic management statement which seeks to minimise traffic congestion and residential amenity during the construction period.

8.31 As indicated above, there are overhead electricity power cables which bisect the site. Health fears arising from the presence of high voltage lines within residential areas is not a new concept and even perceived fears relating to health may be considered as an amenity issue and a material consideration in the determination of this application. The proposed layout for phase 1 and the indicative master-plan relating to the later phases of the estate shows the heavy duty electricity lines running generally above the proposed open spaces and attenuation ponds which form part of this development and not directly overhead of any proposed dwellings. There is no minimum distance within Local Plan planning policy or the NPPF which sets out a minimum distance between housing and overhead pylons. The submitted layout plan indicates that it has been amended to accommodate easements as requested by Western Power.

8.32 The Environmental Health Manager has no objections to this application and neither National Grid nor Western Power have made any comments with regard to health/operational risks associated with the pylons. It is understood that there is no national guidelines with regard to minimum distances between new homes and overhead power lines though National Grid does provide guidance to developers and Local Planning Authorities with regard to statutory safety clearances (i.e. entitled 'Development near overhead lines – planning and amenity aspects of high voltage transmission lines and substations'. This report states, amongst other issues:

'...It has sometimes been suggested that minimum distances between properties and overhead lines should be prescribed. National Grid does not consider this appropriate since each instance must be dealt with on its merits. However it has always sought to route new lines away from residential property on grounds of residential amenity. Since the only limitation on new development has been the statutory safety clearances (Appendix iii), a large amount of residential and other development has been carried out subsequently beneath and adjacent to overhead lines. Where development takes place and how it is designed are principally matters for the landowner, developer and the local planning authority to determine'

8.33 The applicant confirms that they have liaised with Western Power which has confirmed the proposed development adheres to their safety requirements.

8.34 Concerns have been expressed by some neighbours about the future phases of this development and the impact it may have residential amenity. However the layout relating to future phases as shown on the submitted masterplan is for indicative purposes only and is not for consideration at this stage. Such matters will be determined at reserved matters stage should permission be granted.

8.35 Part of the northern boundary of phase 1 is close to the side boundary of 192 Wyberton Low Road. This property is a two storey dwellinghouse and the amenity of the occupiers of this property may be affected by phase 1 development given it is intended to erect 5 dwellings along this boundary. There are also two dwellings on the opposite side of Wyberton Low Road which will face proposed dwellings along the Wyberton Low Road frontage and the new vehicular access. The occupiers of these neighbouring properties which may also be affected by the proposed development, in particular from noise disturbance from additional traffic.

8.36 The five proposed dwellings along the northern boundary adjacent to 192 Wyberton Low Road (ie plots 1-5) will consist of one detached dwelling and two pairs of semi detached dwellings. The distance between the rear/side elevations of these proposed dwellings and the shared boundary will vary from 6-11m. Although the proposed rear and side elevations of these properties will in particular result in some overlooking between existing and future occupiers given the elevated height of the proposed houses (due to flood risk) and the incorporation of first floor windows on rear/side elevations, it is considered that the amenity of the neighbours will not be substantially harmed given the distances involved.

8.37 Overall, it is considered that although this development will have some impact on amenity, it is considered that the impact of this development will not cause substantial harm and will not be contrary to Local Plan policies G1, H2 and H3.

Impact on highway safety

- 8.38 Paragraph 32 of the NPPF indicates that ‘development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe’. In addition Local Plan Policy G6 seeks to resist development that would harm highway safety.
- 8.39 It is proposed to construct a single vehicular access off Wyberton Low Road to serve this development plus associated estate roads. It is also intended to provide a new section of footway along Wyberton Low Road between the proposed site access and the existing footpath. As indicated above, this application includes the proposed road layout which will serve phase 1 and although a master-plan has been submitted showing the road layout relating to the whole of the site, this master-plan relating to later phases is for indicative purposes only.
- 8.40 The proposed layout for phase 1 of this development does not include any vehicular or pedestrian access onto Slippery Gowt Lane to the south or Heron Way to the east.
- 8.41 Concerns have been expressed by some neighbouring residents about the capacity of the local highway network to accommodate this development and that future residents of the proposed development will use Low Road through Wyberton village and Tytton Lane East to access the A16. The nearest bus stop from the site is over 1km away from the site. Concerns were also originally raised about the robustness of the traffic counts as contained in the original Transport Assessment which were undertaken when one of the roads (Tytton Lane East) was under a temporary closure and therefore, the analysis of the movements through the modelled junctions were not therefore considered representative. The County Highways Authority therefore requested that the applicant provide additional information.
- 8.42 The applicant has now submitted supplementary information to support the original Transport Assessment. It indicates that a further traffic survey was carried out at the junction of Wyberton Low Road and Tytton Lane East on the 19th October 2017. The original traffic survey was carried out on 11th July 2017. The additional survey indicates that on the day of the survey, the local highway network was operating normally with no abnormal conditions that might affect traffic movements.
- 8.43 The supplementary traffic survey concludes:
- Operation of junction of Wyberton Low Road and Tytton Lane East using the October 2017 data does not differ materially from that provided in the submitted Transport Assessment based on the July data. Consistent with observations on the site, the junction is shown to operate satisfactorily in all scenarios with traffic flows well within capacity.
 - The October 2017 traffic survey has confirmed that highway works on Wyberton Low Road at the time of the July 2017 surveys had only a minor and localised effect on traffic flows. The analysis provided in this report confirms the reliability of the baseline traffic inputs to the submitted in the Transport Assessment (TA) and supports the findings of the submitted TA which considers the proposed development acceptable from a transport viewpoint.

8.44 In summary the original Transport Assessment concludes:

- The site is located in a sustainable location with walking and cycling being a realistic travel option for many future residents with the Boston Callconnect bus service providing further travel options. To assist pedestrian movement a new section of footway will be provided along the Wyberton Low Road frontage to link with the existing footpath.
- Wyberton Low Road forms part of the Sustrans nationwide network of cycle routes with an identified cycle route extending north from the site along Wyberton Low Road to Boston town centre. Access for pedestrians and cyclists is also proposed on Heron Way creating opportunities for walking and cycling to places of employment on Marsh Lane
- Traffic surveys have been undertaken to establish existing weekday period peak traffic flows at key locations in the highway network. The report concludes that the Wyberton Low Road and Slippery Gowt Lane site frontages are generally lightly trafficked.
- The road safety record of the local highway network has been analysed and it is considered that there are no road safety issues that would justify restricting the grant of planning permission for the proposed development
- The proposed residential development would generate modest additional demands which it is considered can be accommodated by the infrastructure and services available and those to be provided as part of this development. The proposed development would generate a modest volume of traffic the effects of which have been assessed in a 2022* assessment year.
- The assessment also has regard to the traffic generated by the Quadrant development as well as the background traffic growth and traffic generated by the development now proposed. The analysis demonstrates traffic flows on Wyberton Low Road, at the site access and the junctions with Slippery Gowt Lane, Tytton Lane East and Marsh Lane, remaining within capacity in all scenarios in the 2022 assessment year.
- In the A16 corridor, traffic at the junction with Tytton Lane East and the Marsh Lane roundabout remain within capacity in 2022, with and without the proposed development.
- **The overall conclusion of the Transport Assessment is that the traffic flows are shown to remain within capacity at key locations within the area of study and with the impact of generated traffic shown to be minor and not severe. It concludes that the proposed development is acceptable from a transport viewpoint.**

(*Note: The 5 year projection to the year 2022 referred to above is a standard practice in the national Transport Assessment guidance to assess the combined impact of the application and background traffic growth.)

- 8.45 The County Highways Authority has no objections and has made the following comments with regard to the revised transport assessment:

'Northern Transport Planning have submitted a traffic resurvey of the area surrounding the proposed development due to roadworks being in place on the original survey day. In the submitted TA with the application the consultant made an allowance of 50 pcu's in each direction on Wyberton Low Road to compensate for the probable traffic reassignment in the area due to the roadworks.'

The supplementary traffic information confirms that this approach was reasonable and robust.

The original TA included AM and PM junction assessments at a number of junctions in the surrounding area to ascertain the net impact of this proposal. The TA included committed development in the area, including Boston Quadrant Phase 1 and background traffic growth forecasts up to 2022 in accordance with national guidance.

The analysis shows the capacity of junctions surrounding the site will have sufficient capacity to accommodate the additional demand. The junctions of the A16 have higher peak hour capacity levels however the impact of development is not to such a level to require improvements.

In conclusion this response is based not only upon sound and reasoned highway engineering principles but also with regard to a fundamental principle of paragraph 32 of the NPPF (National Planning Policy Framework) which is unequivocal about the presumption of approving development unless that development would be expected to cause a severe impact upon congestion. Reports within the industry of recent Planning Appeal decisions indicate that Planning Inspectors are robustly upholding that principle. The traffic generation from this development.....cannot be considered to have a severe impact on the surrounding local highway network as described within the NPPF. Although it is acknowledged it will add to the cumulative impact on traffic in and around the south side of Boston.'

- 8.46 The County Highway Authority recommends that any permission is subject to 5 highway related conditions as detailed below.

Foul water and surface water disposal and flood risk

- 8.47 The proposed development will include a sustainable drainage system with a network of swales and attenuation basins to accommodate the discharge of surface water from the development. It is proposed that the surface water from the site will eventually discharge into the adjacent IDB drain at an agreed discharge rate equivalent to Greenfield run off rate. The BSIDB has no objections.

- 8.48 In terms of foul water disposal, the submitted Planning Statement states that 'enquiries have been made with Anglian Water regarding the foul drainage system and they have confirmed there is capacity at the Boston Water Recycling Centre to cater for the foul drainage from the proposed development. A pumping station will be required on the site which will ultimately discharge at an agreed connection point in Wyberton Low Road via a new rising main'

- 8.49 The Anglian Water Services has no objections subject to two conditions.
- 8.50 In terms of flood risk, the submitted FRA (Flood Risk Assessment) confirms that the site is located with Flood Zone 3 and within a high risk of flooding from tidal sources. It makes a number of recommendations with regard to finished floor levels. Existing land levels will also need to be raised to meet the FRA requirements though these details have not been identified- hence condition 21 below. Raising land levels will have an effect on finished road levels and overall heights of dwellings. It concludes that subject to the recommended mitigation measures, the proposed development is not at significant flood risk and will not increase the flood risk to others.
- 8.51 The Environment Agency raised objections to the original Flood Risk Assessment but following the submission of an amended FRA, the Environment Agency now has no objections subject to two conditions. However the Environment Agency has raised concerns about a number of issues contained within the revised FRA but are judged by the Environment Agency not to be sufficient reason to maintain an objection. This matter and the recommended conditions are subject to on- going discussions between the applicant and the Environment Agency.

Impact on wildlife habitat

- 8.52 An ecological survey has been submitted with this application. This report indicates that the site and the adjacent areas offers suitable habitat for certain types of wildlife. It confirms that there were no signs of water vole during the survey and indicates that the two trees on the site offer roosting potential for bats. The report makes detailed recommendations, including amongst other things, the use of native plant species as part of a landscaping scheme for this site, the installation of bird and bat boxes, amphibian friendly gullies, drains and kerbs, the retention of drainage ditches where possible and the need to carry out additional water vole surveys. The recommendations contained within the ecological survey are subject to condition 2 below.

Design, layout and density of development

- 8.53 The objective of this development is to provide a predominantly low cost affordable housing scheme with small amounts of enabling development in the form of market housing and self build plots. The houses will be mainly 1, 2 and 3 bed houses with a limited number of bungalows. Phase 1 includes detached, semi detached and terraced properties plus some external parking areas and extends as far north as the open watercourse which forms part of the parish boundary. The external parking courts are to be located to the rear of proposed dwellings which will not be readily seen from the proposed estate roads and general public view in order to avoid a car dominated estate. The proposed development will be served by a single vehicular access onto Wyberton Low Road plus associated estate roads. The proposed pumping station that will serve this development will be located to the eastern part of the site, near Baptist Farm set within a proposed landscaped area.
- 8.54 Approximately one third of the site will be areas of open spaces covering 2.4 hectares which includes swales, greens and a large area of open space to the north –west alongside the rear boundaries of properties fronting Wyberton Low Road. This larger area of open space will form part of later phases of this development. Local Plan policy H4 requires 7.5% of new housing site over 20 dwellings to be set aside as public open space. This scheme far exceeds this requirement.

- 8.55 The submitted Design and Access Statement (DAS) acknowledges that the main overhead electricity lines is the main constraint to this development, given that pylon is tall, extremely visible and unattractive. The DAS identifies a buffer of 7.5m either side of the cables which should vary where possible in order not to create a run-way style green corridor which would reinforce the visibility of the pylons.
- 8.56 The overall density of this development for 200 homes equates to 25 dwellings per hectare. The first phase of this development equates to around 21 dwellings per hectare. The density of the residential area along Wyberton Low Road to the west and north of the site is around 19 dwellings per hectare.
- 8.57 The NPPF indicates that, amongst other things, that local planning authorities should '....set out their own approach to housing density to reflect local circumstances'. The Local Plan does not include a policy which specifies minimum or maximum densities although Local Plan Policy H2 (sub 3) allows new housing developments where 'the resultant dwellings and curtilage(s) are of a size and character which reflect the current density of development in the area'
- In this instance, whilst the density might be a little higher compared to frontage developments to the north of the site, an overall a density of 21-26 dph at the edge of a town is relatively low and in my view, reasonable.
- 8.58 It is considered that the proposed layout of the site, its relatively low density at the edge of town location and the appearance of the proposed dwellings represents a good quality housing scheme that assimilates well within its surroundings, however it is acknowledged that an estate development is at odds with the flat open countryside to the south of the site and general frontage development to the north and east.

Sustainability

- 8.59 The Framework sets out three dimensions and roles of sustainable development i.e. social, economic and environmental. In addition, one of the core elements of the NPPF is that patterns of growth should be properly managed and to make the most effective use of public transport, cycling and walking. Paragraph 7 and 8 of the Framework explain that these three roles should not be undertaken in isolation because they are mutually dependent.
- 8.60 In social terms the provision of 200 new dwellings, with the majority being affordable houses, would make a significant contribution towards the supply of housing in the area which accords with paragraph 7 of the Framework.
- 8.61 In economic terms, the proposal would provide employment at construction stage and may support local businesses and the local economy both during construction and when the dwellings are occupied.
- 8.62 The environmental dimension of the NPPF aims to protect and enhance the natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, to minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy. In environmental terms, the application site is within a sustainable location given it is within easy walking or cycling distance to a major employment centre and is situated at the edge of settlement and adjoining existing residential development. It is also about 600m from the St Thomas primary school.

- 8.63 The development will have an impact on the local environment and Committee might share some of the concerns expressed by neighbouring residents that this development will harm the character of the surrounding open landscape and wildlife habitat. However as indicated above, it is my view that although the development may undermine visual amenity and will represent a significant change to the residents' outlook and the character of the area, I do not consider that such change represent substantial harm to the amenity of the area sufficient to warrant refusal of the application especially given the site's close relationship with adjacent industrial land to the north and east.
- 8.64 It is thus considered that the application site will contribute to sustainable patterns of development and meets the environmental thread of sustainable development.

9.0 **Conclusion**

- 9.1 This application does not accord with the development plan since the site is allocated in the Local Plan as a proposed industrial/ commercial area. Therefore the s.38(6) assessment of 'unless material considerations indicate otherwise' having regard to this Council's lack of 5 year supply of housing and the Framework's para 14 'tilted balance' is engaged.
- 9.2 Although the application site is at the edge of the built up part of the town and partly within the parish of Wyberton, it is within a sustainable location within easy and accessible walking distance to facilities within the town centre and main employment centre to the east. It may therefore be argued that this development forms a logical and natural extension this part of the town.
- 9.3 The fundamental issue raised by this application is the impact and encroachment into the landscape given the size and nature of the development having regard to its edge of settlement and, in my opinion, low to moderate landscape value. The development will represent a significant change to the open characteristics of the surrounding area though the same case may also be made if the site were to be developed for industrial purposes in accordance with the site's designation of the Local Plan. Clearly this application is for a different form of development and therefore it may be argued that the visual impact of residential development on the character of the area will be significantly different and potentially less harmful than development of an industrial nature. Furthermore, this impact will be only local and will not represent a significant change to the character of the surrounding environment in the wider context. Indeed, it may also be considered that this development represents a natural expansion of the town and the development is in character to its surroundings.
- 9.4 The site is about 700m from the village settlement of Wyberton and I do not believe that that this development would result in a perceived coalescence of settlements.
- 9.5 There is a conflict with para. 112 of the Framework in respect of the loss of agricultural land and this must be a part of the planning balance. However it is accepted that development on best and most versatile agricultural land must take place in order to meet housing need. There are no saved Local Plan policies in respect of the protection of agricultural land.

- 9.6 The applicant is unable to agree to any financial contributions towards education and this is also a key issue in the determination of this application. The proposal includes a minimum of 60% affordable houses forming part of a scheme of 200 dwellings which will be included within a section 106 agreement. The balance is for the Committee to decide whether the need for an education contribution outweighs the need to provide the delivery of affordable housing, especially given this Council's current stance on affordable housing is that for eligible sites, developers should provide a minimum of 15% affordable units, subject to viability.
- 9.7 In terms of highway safety, although this development will gain access off one single existing estate road and will generate additional traffic on this estate and along the surrounding highway network, there is no substantive evidence that the residual cumulative impacts of development on highway safety would be severe. The County Highways Authority has no objections subject to 5 conditions
- 9.8 In accordance with the NPPF, planning permission for sustainable development should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework taken as a whole or specific policies in the Framework indicate development should be restricted. It is concluded that this development accords with the Development Plan and the NPPF and should be supported subject to the conditions and the section 106 agreement as detailed below.

10.0 Recommendation

- 10.1 That the Planning Committee resolve that they are Minded to Approve this application subject to conditions and:
- any permission is not released until the applicants have entered into a section 106 planning obligation with the Council requiring a minimum of 60% of the dwellings being affordable units with 50% of this delivered as rented affordable housing in line with the proposals, and type and tenure of units to be agreed with the LPA prior to construction commencing on any dwelling within a phase
 - authority is delegated to the Development Manager to approve this application upon satisfactory completion of the planning obligation.
 - No representations or objections are received from National Grid which would warrant the re-consideration of the application by the Planning Committee.

Note: For the purposes of this permission, phase 1 means the area defined on plan HWB/001 rev B as the site for 71 dwellings for which 'reserved matters' relating to the appearance, access, scale, layout and landscaping have been submitted and approved as part of this permission. 'Later phase(s)' means the areas of land not forming part of phase 1.

- 1 The development of defined phase 1 hereby approved shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted forming phase 1 of this development shall be carried out in accordance with the following approved plans:

- Site location plan ref HWB/0030P rev B (1a/28)
- Planning layout ref HWB/001 rev B (2A/28)
- Type 101-V1 Floor plans ref 101 -V1-01 (5/28)
- Type 101-V1-Elevations ref 101-V1-02 (6/28)
- Type 104-V1 Floor plans and elevations ref 104-V1 (7A/28)
- Type 104V1 and 105-V1 01 (block C) floor plans ref block C -01 (9a/28)
- Type 104 V1and 105-V1 02 (block C) Elevations ref 104/105- V1(block C)-02 (10A/28)
- Type 105 -V1 Floor plans ref 105-V1 -01 Rev A (11A/28)
- Type 105-V1Elevations ref 105-V1-02 Rev A (12A/28)
- Type 105-V2 (Block B) Floor plans ref Block B -01 (13A/28)
- Type 105 - V2 (Block B) Elevations ref block B -02 (14A/28)
- Type 105-V2 Floor plans ref 105-V2-01 Rev A (15a/28)
- Type -105- V2 Elevations ref 105-V2-02 (16/28)
- Type 106 -V3-Floor plans and elevations (opp) ref 106-V3-01 Rev A (17a/28)
- Type RP1 Floor plans ref RP1-01 (18/28)
- Type RP1 Elevations ref RP1-02 (19/28)
- Type SF6 Floor plans ref SF6-01 (20/28)
- Type SF6 02 Elevations ref SF602 (21/28)
- Type SF8 (3 block) Floor plans ref SF 8(3 block) 01 (22/28)
- Type SF8 02 (3 block) elevations ref SF8 (3 block) 02 (23/28)
- Type SF8 floor plans ref SF8 01 (24a/28)
- Type SF8 02 Elevations ref SF8-02 (25A/28)
- Wall and fencing ref Detail 6 rev I (27/28)
- Type SF 14 Floor plans and elevations ref SF14 (28/28)

And the recommendations contained within the Preliminary Ecological Appraisal and water vole survey report – Deltasimons July 2017

Reason: To ensure the development is undertaken in accordance with the approved details and to accord with Adopted Local Plan Policy G1

- 3 Phase 1 of the development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated November 2017, including the mitigation measures detailed within section 5.8 of the FRA for each form of dwelling. Specifically:

- For two/three storey houses with habitable rooms on ground floor, and apartments above ground floor, finished floor levels shall be raised to no lower than 3.4m AOD, with water resistant external doors, water resisting airbricks, backwater valves, non-return valves and all electrical installation to be above 4.0mODN; or
- Finished floor levels shall be set no lower than 4.0mODN.

Reason: To reduce the risk and impact of flooding to people and property and to accord with the objectives of the NPPF (2012)

- 4 Prior to the commencement of each phase of development hereby granted outline permission, an updated Flood Risk Assessment (FRA) shall be submitted to and approved in writing by the local planning authority, in accordance with the scope of the FRA submitted in support of the outline application.

The FRA shall be undertaken in accordance with the requirements of national planning policy and associated guidance and make use of the best available information on flood risk. The FRA shall include details of finished floor levels and mitigation measures for all built development.

Development shall proceed in accordance with the updated and approved FRA.

Reason: To ensure that flood risk to the development and occupiers is properly assessed and appropriate mitigation is included to ensure the development is safe for its lifetime, and to accord with the objectives of the NPPF (2012)

- 5 Before the development of the later phase(s) are commenced details of the scale, appearance, layout and landscaping of each phase as may be applicable (hereafter called reserved matters) shall be submitted to and approved by the Local Planning Authority. Each of the reserved matters shall include details of finished floor and site levels.

Reason: This is , in part, an outline approval only and such details must be approved before the later phases commences in order to accord with the objectives of Local Plan policies G1 and H3 and required pursuant to section 91 of the Town and Country Planning Act 1990

- 6 Application for the approval of reserved matters with regard to the later phases shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.

- 7 The development of the later phases shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.

- 8 No development shall take place before a scheme has been agreed in writing by the local planning authority for the construction of a 1.8 metre wide footway, together with arrangements for kerbing and the disposal of surface water run-off from the highway from the end of the existing footway on Wyberton Low Road to the access into the permitted development. The agreed works shall be fully implemented before any of the dwellings are occupied.

Reason: To ensure the provision of safe and suitable pedestrian access to the permitted development and to accord with the objectives of Local Plan policy G6

- 9 Before each dwelling is occupied the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a specification to enable them to be adopted as Highways Maintainable at the Public Expense, less the carriageway and footway surface courses.

The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling.

Reason: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety and to accord with the objectives of Local Plan policy G6

10 No dwellings shall be commenced before the first 60 metres of estate road from its junction with the public highway, including visibility splays, as shown on drawing number HWB/001 Revision B dated 30/11/2017 has been completed.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site and to enable calling vehicles to wait clear of the carriageway of Wyberton Low Road, and to accord with the objectives of Local Plan policy G6

11 Before any dwelling is commenced, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted and approved by the local planning authority.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site and to accord with the objectives of Local Plan policy G6

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 scheme shall:

- a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site
- b) Provide attenuation details and discharge rates which, unless agreed otherwise with the surface water receiving body, shall be restricted to 1.4 litres per second per hectare
- c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and d) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime. 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: To ensure residents of the permitted development and neighbouring land and property are not adversely affected, by reason of flooding, by the construction of the permitted development and to accord with the objectives of Local Plan policy G3

13 No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved foul water strategy.

Reason: This is a pre- commencement condition and the details are required in the interests of satisfactory drainage and to accord with the objectives of Local Plan policies G3.

- 14 No development shall commence above slab level on the dwellings hereby approved until details of all external facing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
Reason: To ensure that the new buildings are in keeping with the character of the area and to accord with saved Local Plan Policies G1 and H3.
- 15 Notwithstanding the submitted details, the first property of phase 1 shall not be occupied until full details of hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. The details shall include :
1. hard surfacing materials
 2. minor structures/ planters
 3. planting schedules (species, sizes, planting densities, maintenance proposals)
- Reason:** In the interests of visual amenity and in accordance with Section 197 of the 1990 Act which requires Local Planning Authorities to ensure, where appropriate, adequate provision is made for the preservation or planting of trees, and to ensure that the approved scheme is implemented satisfactorily in accordance with saved Local Plan Policies G1, G2 and H3.
- 16 The approved hard and soft landscaping works shall be implemented in full in accordance with timescales to be submitted to and approved in writing by the Local Planning Authority before the occupation of any dwelling.
Reason: In the interests of visual amenity and in accordance with Section 197 of the 1990 Act which requires Local Planning Authorities to ensure, where appropriate, adequate provision is made for the preservation or planting of trees, and to ensure that the approved scheme is implemented satisfactorily in accordance with saved Local Plan Policies G1, G2 and H3.
- 17 The proposed areas of public open space as shown on plan HWB/001 Rev B shall be laid out in a manner to be submitted to and agreed in writing by the Local Planning Authority and shall be made available for use in accordance with timescales which shall be submitted to and approved in writing before the occupation of any dwelling.
Reason: To provide a satisfactory level of publicly available amenity open space within the development and to accord with Adopted Local Plan Policy H4.
- 18 A landscape management plan including management responsibilities and maintenance schedules of the public open space and play equipment shall be submitted to and approved by the local planning authority before the occupation of any dwelling. The landscape maintenance plan shall be carried out as approved thereafter.
Reason: To ensure the long term maintenance of the public open space and play equipment, in the interests of the amenity of residents and to accord with the objectives of Local Plan policy H4.
- 19 Before occupation of any of the dwellings hereby approved, the external parking areas shall be provided with lighting in accordance with details, including the maintenance of the lighting, to be submitted to and agreed in writing by the Local Planning Authority.
Reason: To provide adequate lighting of the private driveway in the interest of crime prevention and community safety and in accordance with Adopted Local Plan Policy H3.

20 Prior to the commencement of the development hereby permitted, a Construction Management Plan shall be submitted to and approved by the local planning authority. The Construction Management Plan will prescribe how the construction of the site will be phased, hours of working, where site accommodation and welfare facilities will be placed, where site vehicles and the vehicles of site personnel will be parked and where materials will be delivered and stored within the site. Construction of the permitted development shall be undertaken in accordance with the approved Construction Management Plan.

Reason: In the interests of the safety and free passage of the public and to accord with the objectives of Local Plan policies G1 and G6. This is a pre-commencement condition due to the fact that the management of plant, site equipment etc needs to be agreed prior to the commencement of any development to ensure that neighbour's amenity and safety are respected.

21 Prior the commencement of any phases of development (including phase 1) details of the means to prevent flooding onto neighbouring land which may result from raised land levels relating to each respective phase shall be submitted to and approved in writing by the local planning authority. These details shall also include:

- The finished land levels including sections showing garden areas, driveways and the private road measured at Ordnance Datum
- Proposed surface water drainage system including future maintenance
- Method of boundary treatment to avoid any overlooking that may arise from raised land levels.

These details shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details.

Reason: This is a pre-commencement condition in order to prevent third party flooding and protect residential amenity and to accord with the objectives of Local Plan policies G1 and G3.

22 No more than 200 dwellings shall be constructed on this site.

Reason: To define this permission, in the interests of residential amenity and highway safety and to accord with the objectives of Local Plan policies G1, H3 and G6.

23 Before any dwelling is commenced, a scheme to provide play equipment shall be submitted to and approved by the Local Planning Authority. The scheme as may be approved shall be carried out in accordance with agreed timescales.

Reason: In the interests of the amenity and well being of the occupants of the development and to accord with the objectives of Local Plan policies H3 and H4.

In determining this application the authority has taken account of 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.

Simon Rowberry
Interim Development Manager