

## **LINCOLNSHIRE COUNTY COUNCIL'S RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL**

**District:** North Kesteven District Council

**Application number:** 24/0711/FUL

**Application Type:** Full - Major

**Proposal:** Residential development of 152 dwellings, new junctions to Mill Lane, associated open space, foul pump station and sustainable drainage system

**Location:** Land Off Mill Lane, Billingham, Lincoln

**Response Date:** 23 January 2025

This report includes the Substantive response of the Local Highway and Lead Local Flood Authority to a planning consultation received under the Development Management Order and includes details of any planning conditions or informatives that should be attached in the event that permission is granted and any obligations to be secured by way of a S106 agreement.

### **General Information and Advice**

#### **Outline applications and contributions**

The anticipated number and type of dwellings and/or the floor space may be set by the developer at the time of application which is used to assess necessary mitigation. If not stated in the application, a policy compliant mix will be used. The number and type of dwellings used when assessing S106 planning obligations is set out on the first page of this response.

In the case of outline applications, once the unit mix/floor space is confirmed by reserved matters approval/discharge of condition a matrix (if appropriate) will be applied to establish any increase in contributions payable. A further increase in contributions may result if there is a reserved matters approval changing the unit mix/floor space.

Please note that although the Definitive Map and Statement proves the existence of any recorded rights of way, there may be further or higher rights that are not shown on this document that the County Council is not currently aware of. This would be especially relevant where the public has had informal access to the site or where there are references to routes across this in maps or other historic documents. As the County Council has received no application to recognise further rights of way affecting the site, no more informed guidance can be offered at this stage.

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## **Highway and Lead Local Flood Authority Report**

**Substantive Response provided in accordance with article 22(5) of The Town and Country Planning (Development Management Procedure) (England) Order 2015:**

**Recommendation:**

**No objection subject to:**

- **Planning Conditions** as detailed below.

**Comments:**

The land is allocated in the CLLP.

The application site is currently farmland on the rural edge of Billingham within the North Kesteven District.

To the north there is recently constructed residential development, to the east and south the landscape comprises predominantly arable land use and to the west there is sporadic development along Mill Lane with farmland beyond.

The northern boundary of the proposed development area is shared with the current Cornfield Meadows Estate development and there is a public footpath route and field ditch along that boundary with elements of the unmanaged remnants of a native field boundary hedgerow.

The western boundary is open and runs along the public highway Mill Lane, again with a field ditch.

The eastern boundary has an element of residential development on The Whyche at its northern extreme and open land for the remainder with a field ditch and then a hedge outside the development proposal.

The southern boundary is marked by a field ditch with a native field boundary hedgerow and a public footpath route immediately to the south between it and the agricultural land beyond. The public footpath on the northern boundary runs along that boundary until it reaches the eastern extent where it crosses the top corner of the field and then intersects with the eastern site boundary some 20m south of the northeastern corner.

Billingham village is short walk to the north and northeast with a range of essential facilities.

The application proposal is for 152 dwellings including two new junctions to Mill Lane, internal estate roads and associated infrastructure.

### **Highway safety/Highway capacity**

The planning application is supported by a Transport Assessment and Travel Plan which considers the impact of the proposed development on the highway network and to improve accessibility and safety for all modes of travel, particularly for alternatives to the car. The detailed information concludes that no significant impact will occur on the existing local highway network.

### **Flood Risk and Drainage**

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to Drainage on all Major Applications. The Lead Local Flood Authority does not consider that this proposal would increase flood risk in the immediate vicinity of the site.

The site is surrounded on all sides by open riparian watercourses which ultimately discharge to the main river system known as Billinghay Skirth.

It is proposed to discharge surface water initially into a central swale area leading to an open attenuation basin. The basin is sized to accommodate the 1 in 100 year rainfall event plus an allowance for climate change of 40%. Surface water discharges will be restricted to the pre-development level of discharges for all events.

Overland flow routes will be preserved within the roadways and open space area to ensure the flows route towards the attenuation facility in the event of flow exceedance or system failure.

There are a number of practical constraints on the use of plot specific SUDS techniques, (primarily infiltration based) and these can include unsuitable ground conditions. Soakaway testing has concluded that the site is not suitable for infiltration drainage to be the primary means of surface water disposal: There are no surface water sewers available to the development at a suitable level, so the only practical solution is to drain to watercourse systems.

For this site, a single attenuation pond will be provided in the southeast corner of the site with an ultimate discharge to the watercourse on the southern boundary of the site. A series of upstream tanked swales within the public open space of the development, plus a swale bed to the pond and a stilling area of permanent water will offer opportunities for water quality improvements and landscape and ecology benefits

Discharges will be restricted to no greater than the  $Q_{bar}$  value of 18.9l/sec for all events up to and including the 1 in 100-year return period event plus a 40% allowance for climate change.

### **Off-Site Improvements/S106 Contributions**

Please see condition below for a request for a frontage footway and the provision of two bus stops.

In the interests of promoting sustainable travel and to reduce the dependency on car travel, we request that the developer provides 1 bus pass voucher to the first occupiers of each new dwelling, which the occupier may redeem for free bus services for a year. The maximum cost to the developer (based on the current cost of the bus service and subject to change) will be £228,000 based on £1500 per voucher x 152 dwellings.

The developer is required to manage this process directly with the bus operator and will be required to report uptake of the scheme via the travel plan monitoring process.

A contribution of £300,000 is requested towards sustainable transport improvements.

£300,000 (£100,000 per annum) towards service provision enhancement of existing service between Sleaford and Billinghay. This would provide additional frequency and also a connection point from and to Metheringham where onwar services, both bus and rail, can be achieved. Expanding the service here would cost up to £100k per annum to achieve and to be provided for 3 years to help with long term sustainability.

### **Planning Conditions:**

In the event that permission is to be given, the following planning conditions should be attached:

#### Highway Condition 00

No development shall take place until a Construction Management Plan and Method Statement has been submitted to and approved in writing by the Local Planning Authority which shall indicate measures to mitigate against traffic generation and drainage of the site during the construction stage of the proposed development.

The Construction Management Plan and Method Statement shall include;

- phasing of the development to include access construction;
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- wheel washing facilities;
- the routes of construction traffic to and from the site including any off-site routes for the disposal of excavated material and;
- strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (temporary or permanent) connect to an outfall (temporary or permanent) during construction.

The Construction Management Plan and Method Statement shall be strictly adhered to throughout the construction period.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction and to ensure that suitable traffic routes are agreed.

#### Highway Condition 21

No part of the development hereby permitted shall be occupied before the works to improve the public highway (by means of providing a frontage footway (full length of site to connect with existing on Mill Lane) and providing two bus stops on Mill Lane) have been certified complete by the Local Planning Authority.

Reason: To ensure the provision of safe and adequate means of access to the permitted development.

#### Highway Condition 26

Before any dwelling is occupied, 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 to, and approved in writing by, the Local Planning Authority.

Reason: In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels.

#### Highway Condition 27

The permitted development shall not be occupied until those parts of the approved Travel Plan that are identified therein as being capable of implementation before occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented for as long as any part of the development is occupied.

Reason: In order that the permitted development conforms to the requirements of the National Planning Policy Framework, by ensuring that access to the site is sustainable and that there is a reduced dependency on the private car for journeys to and from the development.

#### Highway Condition 29

The permitted development shall be undertaken in accordance with an Estate Road Phasing and Completion Plan, which shall first be approved in writing by the Local Planning Authority. The Plan shall set out how the construction of the development will be phased and standards to which the estate roads on each phase will be completed during the construction period of the development.

Reason: To ensure that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction period of the development.

#### Highway Condition 33

The permitted development shall be undertaken in accordance with a surface water drainage scheme which shall first have been approved in writing by the Local Planning Authority.

The scheme shall:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
- provide flood exceedance routing for storm event greater than 1 in 100 year;
- 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;
- provide attenuation details and discharge rates which shall be restricted to 18.9 litres per second;
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- 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.

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 that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, or upstream of, the permitted development.

## **Informatives**

### Highway Informative 02

In accordance with Section 59 of the Highways Act 1980, please be considerate of causing damage to the existing highway during construction and implement mitigation measures as necessary. Should extraordinary expenses be incurred by the Highway Authority in maintaining the highway by reason of damage caused by construction traffic, the Highway Authority may seek to recover these expenses from the developer.

### Highway Informative 03

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. For application guidance, approval and specification details, please visit <https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb> or contact [vehiclecrossings@lincolnshire.gov.uk](mailto:vehiclecrossings@lincolnshire.gov.uk)

#### Highway Informative 05

All roads within the development hereby permitted must be constructed to an acceptable engineering standard. Those roads that are to be put forward for adoption as public highways must be constructed in accordance with the Lincolnshire County Council Development Road Specification that is current at the time of construction and the developer will be required to enter into a legal agreement with the Highway Authority under Section 38 of the Highways Act 1980. Those roads that are not to be voluntarily put forward for adoption as public highways, may be subject to action by the Highway Authority under Section 219 (the Advance Payments code) of the Highways Act 1980. For guidance, please refer to <https://www.lincolnshire.gov.uk>

#### Highway Informative 07

The highway improvement works referred to in the above condition are required to be carried out by means of a legal agreement between the landowner and the County Council, as the Local Highway Authority.

For further guidance please visit our website; [www.lincolnshire.gov.uk/highways-planning/works-existing-highway](http://www.lincolnshire.gov.uk/highways-planning/works-existing-highway)

#### Highway Informative 08

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

For further guidance please visit our website via the following links:

Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

Licences and Permits - <https://www.lincolnshire.gov.uk/licences-permits>

**Officer's Name: Sarah Heslam**

**Officer's Title: Principal Development Management Officer**

**Date: 23 January 2025**

North Kesteven District Council  
Development Control  
Planning Department

Corporate Property Team  
Lincolnshire County Council  
County Offices  
Newland  
Lincoln LN1 1YL

Email: [Property\\_Strategy@Lincolnshire.gov.uk](mailto:Property_Strategy@Lincolnshire.gov.uk)

My Ref: S106/NKDC/24/0711/FUL/2024  
25 June 2024

Dear Sir/Madam

**Development – RESIDENTIAL DEVELOPMENT OF 152 DWELLINGS, NEW JUNCTIONS TO MILL LANE, ASSOCIATED OPEN SPACE, FOUL PUMP STATION AND SUSTAINABLE DRAINAGE SYSTEM. LAND OFF MILL LANE BILLINGHAY LINCOLN**

**Application Number – 24/0711/FUL**

Thank you for your notification of 24 June 2024, concerning the proposed development at the above site. I have now had the opportunity to consider the impact on the local schools reasonably accessible from the development. Please see below overview in relation to the impact, and details for primary, secondary and sixth-form that follow.

#### Overview

Please see below table in relation to the number of places required and available in local schools from/for the proposed development:

Type	Children produced by scheme	Sufficient places available 2026/27 (Y/N/Partial)	Places to be mitigated	Contribution sought
Primary	53	Partial	13	£ 257,575.50
Secondary	30	Partial	22	£0
Sixth-form	10	Y	0	£0
			<b>Total</b>	£ 257,575.50



Please note, where an application is outline a formulaic approach will be taken in a section 106 agreement, this may result in a higher contribution if a high proportion of large houses are built. This would be finalised at the reserved matters stage. All section 106 agreements should include indexation using the Tender Price Index of the Royal Institute of Chartered Surveyors Building Cost Information Services (RICS BCIS TPI).

The above contributions would be spent on the following:

Type	Amount	Scheme
Primary	£257,575.50	<a href="#">Click here to enter text.</a>
Secondary	£599,529.48	N/A - CIL
Sixth-form	£0	N/A - CIL

Following the removal of Regulation 123 from the Community Infrastructure Levy Regulations on 01 September 2019, requests for items formerly on a Regulation 123 list are now permitted; the Central Lincolnshire Developer Contributions Supplementary Planning Document (2018) still restricts secondary and school-based sixth form to CIL only. It is the County Council's intention to seek that this is reviewed as part of the Local Plan update. Requests can also be made toward more than one scheme to provide the ability to extend the most appropriate school to mitigate the impacts of development at the time those impacts are felt.

#### Detail

The below table indicates the number of pupils generated by the proposed development. This is on the basis of research by Lincolnshire Research Observatory utilised to calculate Pupil Production Ratio (PPR) multiplied by the number of homes proposed.

House Type (if known)	No of Properties	PPR Primary	Primary Pupils	PPR Secondary	Secondary Pupils	PPR Sixth Form	Sixth Form Pupils
2 Bedroom	16	0.225	3.6	0.0785	1.256	0.032	0.512
3 Bedroom	128	0.373	47.744	0.2169	27.7632	0.078	9.984
Unknown	8	0.30	2.4	0.1611	1.2888	0.060	0.48
Total (rounded down)	152	-	53	-	30	-	10

Capacity is assessed using the County Council's projected capacity levels at 2026/27, this is the point when it is reasonable to presume that the development would be complete or well on the way.

Type	Local School/School Planning Area	Pupils generated	Sufficient places available 2026/27 (Y/N/Partial)	Places to be mitigated
Primary	Billinghay Primary Planning area	53	Partial	13
Secondary	Tattershall Secondary Planning area	30	Partial	22
Sixth-form	Sleaford Secondary Planning area	10	Y	0

As the development would result in a direct impact on local schools, a contribution is therefore requested to mitigate the impact of the development at local level.

This is a recognisable and legitimate means of addressing an impact on infrastructure, accords with the NPPF (2019) and fully complies with CIL regulations; we feel it is necessary, directly related, and fairly and reasonably related in scale and kind to the development proposed in this application.

The level of contribution sought in this case is in line with the below table.

Type	Places to be mitigated	Contribution per place*	Sub-total	Local multiplier **	Lincolnshire contribution per place	Total contribution requested
Primary extension	13	£19,425	£252,525	2.00	£19,813.50	£257,575.50
Secondary extension	22	£26,717	£587,774	2.00	£27,251.34	£599,529.48***
Total	-	-	£840,299	-		£257,575.50

\*current cost multiplier per pupil place based on National Cost Survey

\*\* to reflect Lincolnshire's average build cost

\*\*\*amounts for indicative purposes only, request reduced to £0 in line with Developer Contributions Supplementary Planning Document

We would suggest the s.106 monies are paid at the halfway point in the development to allow timely investment by the County Council whilst not adversely affecting the developer's viability.

Please note the County Council retains the statutory duty to ensure sufficiency of school places and this includes capital funding provision of sufficient places at maintained schools, academies and free schools. We would invest the funding at the most appropriate local school(s) regardless of their status, but ensure the s.106 funding is used only to add capacity as this is the only purpose for which it is requested.

I look forward to hearing from you, thank you for your notification of the application and thank North Kesteven District Council for your continued cooperation and support.

Yours sincerely

**Sam Barlow**  
**Strategic Development Officer**  
**Corporate Property Service**

(By e-mail)