

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

District: Boston Borough Council

Application number: B/24/0121

Application Type: Full-Major

Proposal: Construction of 102no. residential dwellings

Location: Agricultural land adjacent to White House Lane, Fishtoft, Boston, PE21 0BE

Response Date: 19 February 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

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.

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.

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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: Approve with conditions

Comments:

The proposed residential development is for 102 dwellings and is located off White House Lane, opposite the road junction with Rider Gardens in Boston. The site is currently an undeveloped greenfield site with no previous development. However, it should be noted that the application site is identified within the South East Lincolnshire Local Plan 2011-2036 (adopted March 2019), as housing allocation land parcel. The proposed development will be primarily accessed via a simple priority T-junction off White House Lane with a width of 5.0 metres, bound by a frontage footway. This primary vehicle access will also provide the principal pedestrian and cyclist access. In addition to this, the intention is to provide a standalone private drive off White House Lane to access Plot 94, as well as a shared private drive serving Plots 95 to 102. The site is located opposite an existing shared footway/ cycleway that provides a direct connection to the nearest bus stops. The development will support the economic viability of the existing bus services on Woodthorpe Avenue, through the provision of increased potential patronage. Furthermore, the direct link to an existing shared footway/ cycleway opposite the site's boundary provides a convenient link that is likely to encourage future residents to walk and cycle to local facilities. A review of the accident data shows that there is no road accident pattern on the highway network within the vicinity of the proposed development site, which would be exacerbated beyond an unacceptable limit, causing significant harm to the safety of existing road users.

As part of the site access proposals, two uncontrolled tactile crossings will be provided to enable future residents and other site users to cross White House Lane and connect into the existing infrastructure currently located on the western side of the carriageway, in addition to the new frontage footway we have requested. The proposed development is predicted to generate 74 vehicle trips in the morning peak and 61 trips in the evening peak. It is considered that this number of vehicles will not result in a significant adverse impact which will result in detrimental harm to the highway network. The results of the junction capacity assessment confirm that both the proposed site access and the existing mini roundabout at Junction 1 will operate within capacity in the future year scenario with the proposed development traffic. Based on the evidence presented within the Transport Statement, it is considered that the proposed development will not result in an unacceptable impact on the safety of users to the surrounding highway network. Therefore, it is considered that sufficient justification has been provided for the site proposal to be supported for planning consent in terms of highways and transportation.

A flood risk assessment has been prepared to assess the proposed development and concludes that there are no obvious constraints have been identified that may impact the proposed development and the type of mitigation measures that can be used to reduce the flood risk. A

drainage strategy report has been undertaken for the site using storm attenuation techniques. Given that the site is effectively flat and to make better use of area available for attenuation and ensuring that surface water outfalls via gravity can be achieved, it is proposed to drain the sites surface water via SuDS principles (roadside swales) to two inline attenuation basins before discharging to three separate outfalls. One to the north, one centrally and one located to south, each outfall will be restricted to 1.0l/s equating to a total of 3.0l/s from site in total to be agreed with the Internal Drainage Board. Therefore, the proposal will not increase surface water flood risk to the development site, surrounding properties or land.

There is no precise definition of "severe" with regards to NPPF Paragraph 115, which advises that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." Planning Inspector's decisions regarding severity are specific to the locations of each proposal, but have common considerations:

- The highway network is over-capacity, usually for period extending beyond the peak hours
- The level of provision of alternative transport modes
- Whether the level of queuing on the network causes safety issues

In view of these criteria, the Highways and Lead Local Flood Authority does not consider that this proposal would result in a severe impact regarding NPPF.

Planning Conditions:

If permission is to be given, the following planning conditions should be attached:

Highway Condition 00

The development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement that shall first be approved in writing by the Local Planning Authority. The Plan and Statement shall indicate measures to mitigate the adverse impacts of vehicle activity and the means to manage the drainage of the site during the construction stage of the permitted development. It shall include.

- the phasing of the development to include access construction.
- the on-site parking of all vehicles of site operatives and visitors.
- the on-site loading and unloading of all plant and materials.
- the on-site storage of all 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.

Reason: In the interests of the safety and free passage of those using the adjacent public highway and 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.

Highway Condition 20

The development hereby permitted shall not be occupied before a 2.0-metre-wide frontage footway, including uncontrolled pedestrian crossing points with tactile paving, to connect the development to the existing footway network, has been provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway.

Reason: To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property.

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 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 the results of evidenced groundwater levels and seasonal variations (e.g. via relevant groundwater records or on-site monitoring in wells, ideally over a 12-month period);
- 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 3 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/ no part of the development 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 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 condition 20 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

Highway Informative 08

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences 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 the Highway Authority's website via the following link: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

Highway Informative 09

The existing ground level of the site must not be raised above the ground level of any surrounding land without further consultation with the Lead Local Flood Authority and Local Planning Authority, to consider suitable mitigation measures to ensure that surface water flood risk is not created or increased to land adjacent to the permitted development.

Note to Officer-S106 Contribution Request-Please secure the sums below

Based on the site's location and the existing nearby services, to achieve modal shift and reduce single car occupancy, it would be beneficial if a service ran down White House Lane, directly past the development to increase the likelihood of people using public transport. As the current town services are stretched in terms of what can be delivered inside existing vehicle resource, we costed through an additional vehicle in the loop for 306 days per year at approx. £375 per day which is the typical cost of operating a bus for a full day. This would enable greater flexibility in the wider town service, enabling greater reach and potentially frequency as well as improving the transport links on a Saturday which at present for this location are poor. This works out at £115,000 per annum, x 3 years to enable revenue growth and therefore sustainability, total amount of £345,000 in revenue costs. The £55,000 cost for 1x 6-month pass should be considered a singular offer to each household and not an annual / ongoing pass; therefore, the maximum number of possible tickets is limited to the number of houses, 102. This should also be considered as a maximum outlay as it would only be payable on redemption by the initial occupier. To further enable likelihood of bus travel, placing a pair of bus stops near the entrance of the development at a capital cost of £3000 would reduce the walking distance required by passengers and enable clear marked locations to both wait for services and alight from. Travel plan monitoring at a cost of £5000 is required.

The applicant is required to consult with Lincolnshire County Council Transportation Services with regards the provision of the bus stops and service.

Officer's Name: Dean Whitehead

Officer's Title: Senior Development Management Officer

Date: 19 February 2025

Boston Borough Council
Development Control
Planning Department

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

Email: Property_Strategy@Lincolnshire.gov.uk

My Ref: S106/BBC/B/24/0121/2024

26 March 2024

Dear Sir/Madam

Development – DEVELOPMENT: CONSTRUCTION OF 102NO. RESIDENTIAL DWELLINGS AT AGRICULTURAL LAND ADJACENT LOCATION: WHITE HOUSE LANE, FISHTOFT, BOSTON, PE21 0BE
Application Number – B/24/0121

Thank you for your notification of 26 March 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	29	Y	0	£ 0
Secondary	15	N	15	£ 408,770.10
Sixth-form	5	N	5	£ 136,256.70
			Total	£ 545,026.80

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	£ 0	
Secondary	£408,770.10	Education provision at Boston Haven High Academy/Boston Grammar/Boston High School
Sixth-form	£136,256.70	Education provision at Boston Haven High Academy/Boston Grammar/Boston High School

Following the removal of Regulation 123 from the Community Infrastructure Levy Regulations on 01 September 2019, requests can 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	48	0.225	10.8	0.0785	3.768	0.032	1.536
3 Bedroom	46	0.373	17.158	0.2169	9.9774	0.078	3.588
4+ Bedroom	4	0.492	1.968	0.3903	1.5612	0.144	0.576
Total (rounded down)	98	-	29	-	15	-	5

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	Boston West primary planning area	29	Y	0
Secondary	Boston Haven High Academy/Boston Grammar/Boston High School	15	N	15

Sixth-form	Boston Haven High Academy/Boston Grammar/Boston High School	5	N	5
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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
Secondary extension	15	£26,717	£400,755	2.00	£27,251.34	£408,770.10
Sixth-form extension	5	£26,717	£133,585	2.00	£27,251.34	£136,256.70
Total	-	-	£534,340	-		£545,026.80

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

** to reflect Lincolnshire's average build cost compared to national average

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 Boston Borough Council for your continued cooperation and support.

Yours sincerely

Sam Barlow
Strategic Development Officer
Corporate Property Service

(By e-mail)