



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

**District:** Boston Borough Council

**Application number:** B/25/0042

**Application Type:** Full-Major

**Proposal:** Construction of a retail unit (Use Class E(a)) including car parking, landscaping and associated works

**Location:** Land south of Swineshead Road, Boston, PE21 7JE

**Response Date:** 6 May 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.

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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**

**Planning Conditions** In the event that 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 footway (dimensions to be agreed with Highway Authority), to connect the development to the existing footway network along West End Road, 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 21

No part of the development hereby permitted shall be occupied before the works to improve the public highway by means of 2no. bus stops with sufficient hard standing and kerbing to allow passengers to board and alight safely with appropriate shelter on the inbound direction 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 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 1.4 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.

## **Comments**

The proposed development site is for a Food Store measuring 2005 sqm (21,584sqft) supported by a dedicated car park and separate service yard. The site is situated south of Swineshead Road (A52) a main route into Boston Town Centre. The proposed food store will be surrounded by an Aldi, Costa Coffee, and McDonalds Restaurant. This development assists in the delivery of a further section of the Boston Relief Road, a proposal included in the Boston Transport Strategy 2016-2036. The application site is accessed via the southern arm of the A52 Swineshead Road / Westbridge Road 4-arm roundabout. The current access to the site was constructed as part of the S278 and S38 works associated with planning permission B/20/0432, providing a McDonalds Restaurant, which has been constructed and is fully operational at the time of this submission. The approved Aldi Food Store (ref: B/22/0431) and Costa Coffee Shop (ref:B/20/0432) are yet to be implemented but will be considered as committed development in this assessment. Traffic surveys were undertaken during the peak periods on the local network, these being between 1615 – 1715 – Friday PM Peak; and 1100 – 1200 – Saturday Peak. Queues were also recorded on each arm of each junctions surveyed, to calculate average queue lengths for model validation. An assessment of Personal Injury

Accidents (PIAs) was carried out on the local public highway within a representative study area for the latest 5-year period. A total of 6 no. PIAs have been recorded within the study area for the latest 5-year period, including 5 no. categorised as 'slight', 1 no. as 'severe' and none as 'fatal' in severity. Based on the above; consenting this development would not have a negative effect on the existing accident rate, which is not considered any worse than the UK average.

The proposed food store will be serviced from a separate yard and can accommodate more than one Large Goods Vehicle (LGV) at a time. The operation of a typical food store would generate between 2 – 4 LGVs per day. These are typically timed to avoid peak periods but would be incorporated into existing routes to stores in the area. Proposals include a total of 159 no. car parking spaces across the site including 16 no. cycle parking spaces, which accords with standards set out in the adopted local plan. The proposed peak vehicular trip generation has been predicted to be 96 two-way weekday movements and 262 two-way Saturday movements. The proposed modelling results from the junction impact assessment, junctions away from the site are suffering from existing congestion issues, however the modelling predicts the net effect of development proposals to be negligible. The A52 / Westbridge / Site Access Roundabout is predicted to operate within capacity for all tested scenarios without significant delay or queue. It is predicted that development traffic will result in negligible effects on the operation of the junction of the John Flemming Roundabout except for the A52 West arm which is predicted to operate over capacity during the Weekday (Friday) PM. It is predicted that development traffic will result in negligible effects on the operation of the junction of the A52/showroom mini roundabout. The base modelling and recorded queues do highlight existing congestion at the junction, where it is unlikely that mitigation could be provided to improve the junction's operation due to existing constraints, this being the bridge over the South Forty Foot Drain and the level crossing and, the requirement for a significant change in distribution at the junction to achieve more balanced flows. Due to the current layout and constraints of existing junctions, there are limited options for meaningful capacity improvements to improve the congestion. Existing proposals to divert traffic from the A52 are being promoted by Lincolnshire County Council through the Boston Distributor Road to alleviate current congestion at the junctions within the study network, which will certainly improve the operation of junctions along the A52 when implemented. The TA concludes that development traffic can be fully accommodated on the local highway network, without causing significant queuing and delay at key junctions in the vicinity.

There is a Capital Active Travel Scheme (LCC) proposed at concept stage, to provide a new 3.0 metre parallel pathway from Boston Road junction which terminates at A52 South of bridge and level crossing. Additionally, although the site is close to the very edge of the settlement boundary of Boston, it is connected to the town's existing footway network. There is however a gap in that network along parts of West End Road, a gap that would be an impediment to those living along this road and beyond who may wish to visit the proposed store on foot. It will be therefore requested that, as a Condition of the grant of Consent for this Application, the 'missing' section of footway along West End Road is provided by the developer. This has been requested by a local councillor on all previous applications to this site.

A topographical survey has been undertaken, and this shows most of the site is relatively level, ranging from 0.6mAOD to 2.1mAOD. Various trial pits and boreholes were conducted throughout the wider development site as part of the investigation, which showed the site is primarily underlain by silt and clay. Anglian Water sewer records indicate there is an existing 175mm public combined sewer located in the north of the site, crossing from east to west.

The wider retail park development is shown to be bound to the north, east, and west by perimeter ditches, with levels on the topographical survey ranging from 0.8 to 1.2m AOD. The outfall for these ditches has been identified as connecting into a highway catchpit chamber situated to the north-west of the wider site.

The nearest watercourses to the site are Old Hammond Beck located 40m to the south of the site flows from west to east where it merges with the New Hammond Beck. The entire site is located in Flood Zone 3 land assessed as having a 1 in 100 or greater annual probability of river flooding. The site is in a low-risk area for surface water flooding, according to the flood map, however parts of the surrounding areas are indicated as being a risk. This is likely since the site currently is relatively level and underlying soils are primarily silt and clay with very poor infiltration; thus, surface water is likely to quickly saturate topsoil, resulting to ponding or overland flows. The site proposals are a part of a wider retail park development that also involves several nearby development plots. The development proposals will be providing impermeable surfaces that will be positively drained and attenuated within the development infrastructure, As part of the broader development strategy, allowances have been made for the M&S Store development plot 4 to discharge into the main development surface water drainage infrastructure network, which ultimately discharges South into Old Hammond Beck at 5lts/s by way of a flow control system. It is therefore considered that the site is at low risk of surface water flooding.

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.

## **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 the above conditions 20 and 21 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, 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, reduce single car occupancy and to further enable likelihood of bus travel, placing a pair of bus stops with one shelter near the entrance of the development at a capital cost of £19,000 would reduce the walking distance required by passengers and enable clear marked locations to both wait for services and alight from, to increase the likelihood of people using public transport.

Travel plan monitoring fee at a cost of £5000 is required.

Cycle Access Improvement Contribution £25,000 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: 6 May 2025**