

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

**District: Boston Borough Council**

**Application number: B/22/0428**

**Application Type:**

**Proposal: Hybrid application seeking outline planning permission with some matters reserved for residential development (up to 320 dwellings) and a care home (Class C2) and detailed proposals for Phase 1 (153 dwellings and site access)**

**Location: Land west of Toot Lane, Fishtoft, Boston, PE21 0PT**

**Response Date: 22 February 2023**

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.

**Application number: B/22/0428**

**Application Type: Hybrid Major**

**Location: Land west of Toot Lane, Fishtoft, Boston, PE21 0PT**

## **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 the Conditions below:**

The principle of residential development on this site has previously been established by the grant of Planning Consent under reference B/14/0103. The highway authority raised no objection to that Application on highway grounds and there have been no material changes to the highway infrastructure in the vicinity of the site that would cause the authority to take a contrary view in respect of this Application.

The submitted highway and drainage layouts of both phase 1 (Full) and phase 2 (Outline) are very good. The road layout has two vehicle access points from Toot Lane that comply with the geometric design standards prescribed for such roads. The layout provides good circulation and alternative routes on appropriate width roads for the safe movements of residents, their visitors and service/delivery vehicles. The roads are tree lined. There is also very good 'permeability' for pedestrian movement, both within and through the proposed development.

The development abuts existing residential development on its northern and western boundaries, where there are also existing highways. The proposed layout, quite correctly, does not provide any vehicular connection to those existing highways - to do so could unnecessarily and unreasonably increase vehicular movement on the residential roads lying to the west of the site and could encourage existing residents to drive their children through the proposed development to the Hawthorn Tree Primary School that is on the east side of Toot Lane, opposite the proposed Care Home.

Pedestrian and cycle movement between the proposed development and the existing residential roads on the western and northern boundaries is however highly desirable, so that residents of existing properties lying to the west of the Application Site might be encouraged to walk their children to Hawthorn Tree School along the footway network within the proposed development. The submitted layout includes a pedestrian connection in the north-west corner of the development, through to Meridian Road and also through to Wing Drive on the western boundary. However, the layout fails to capitalise on the fact that Smalley Road also abuts the western boundary of the Application Site. There needs to be a footpath connection to Smalley Road. All three connections should also be for cycle use.

The submitted layout includes a footway immediately adjacent to the western edge of the Toot Lane carriageway running along the whole frontage of the Application Site. The layout also includes what is described in the Key as a 'pedestrian/cycle link' running parallel to this footway and separated from it by a grassed area. The highway authority requests that just this proposed 'pedestrian/cycle link' following the line of Toot Lane but away from this road, is constructed as an adoptable

footway/cycleway along the section between the two junctions and that the footway shown adjacent to the carriageway edge along this same section is omitted from the proposed development. The reason for this is that it has become the custom and practice of parents and carers, bringing their children to Hawthorn Tree Primary School and the adjacent Nursery by car, to drop-off and pick-up their children on the east side of Toot Lane, so that their children can safely disembark onto, and embark from, the existing footway/cycleway, rather than into or from the often-busy road. This is considered to be the safest practice because the footway/cycleway is on the outside of a curve in Toot Lane and therefore cars parked on this side of the carriageway do not obstruct the forward visibility of drivers passing along Toot Lane and they are then able to see from one end of the line of parked vehicles to the other. If a footway is provided on the west side of Toot Lane, as shown on the submitted layout, parents and carers may be tempted to park on both sides of Toot Lane when dropping-off and picking-up, which will then make it more difficult for other vehicles to pass along this road. Children would also be crossing this road, between parked vehicles and through passing traffic. The omission of the roadside footway would also remove the need to kerb this side of the road and also remove the need to provide a formal drainage system – the road would continue to drain naturally into the roadside verge. Some additional tree planting along the edge of Toot Lane could also be accommodated. The footway should be provided along the edge of the carriageway at the frontage of the proposed Care Home site.

I have been asked to relay to the Local Planning Authority, the concerns that the County Council's Executive Member for Highways has raised about school parking in the area and to request that consideration be given to the provision of a school drop-off/pick-up point within the next phase of the development.

Consideration has been given as to whether the Care Home might be accessed directly from Toot Lane but the conclusion is that access is better and safer being taken from the new estate road.

Subject to being undertaken in compliance with the Conditions and Informatives below it is not considered that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the capacity of the local highway network or increase surface water flood risk and the highway authority and lead local flood authority does not wish to object to the grant of Consent for this Application.

**Planning Conditions:**

**Notwithstanding the details shown on the submitted drawings, a footpath/cyclepath link shall be provided between the development hereby permitted and Smalley Road.**

**Reason; To ensure the provision of safe and suitable pedestrian and cycle movement between the permitted development and all existing highway network that borders onto the Application Site.**

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;
- a 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 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, unless agreed otherwise with the surface water receiving body, shall be restricted to the greenfield run-off rate for the undeveloped land;
- 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 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 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 our website via the following link: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

**Officer's Name: Jon Sharpe**

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

**Date: 22 February 2023**

Boston Borough Council  
 Development Control  
 Planning Department

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

My Ref: S106/BBC/B/22/0428/2022  
 04 November 2022

Dear Sir/Madam

**Development – HYBRID APPLICATION SEEKING OUTLINE PLANNING PERMISSION WITH SOME MATTERS RESERVED FOR RESIDENTIAL DEVELOPMENT (UP TO 320 DWELLINGS) AND A CARE HOME (CLASS C2) AND DETAILED PROPOSALS FOR PHASE 1 (153 DWELLINGS AND SITE ACCESS)  
 Application Number – B/22/0428**

Thank you for your notification of 01 November 2022, 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 2025/26 (Y/N/Partial)	Places to be mitigated	Contribution sought
Primary	23	Y	0	£ 0
Secondary	22	N	22	£ 561,066
Sixth-form	4	N	4	£ 102,012
			<b>Total</b>	<b>£ 663,078</b>

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 BCISTPI).

The above contributions would be spent on the following:

Type	Amount	Scheme
Primary	£ 0	
Secondary	£561,066	Education provision in Boston Secondary planning area
Sixth-form	£102,012	Education provision in Boston Secondary planning area

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	51	0.09	4.59	0.09	4.59	0.018	0.918
3 Bedroom	68	0.17	11.56	0.17	11.56	0.034	2.312
4+ Bedroom	22	0.33	7.26	0.27	5.94	0.054	1.188
Total (rounded down)	141	-	23	-	22	-	4

Capacity is assessed using the County Council's projected capacity levels at 2025/26, 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 2025/26 (Y/N/Partial)	Places to be mitigated
Primary	Boston East Primary Planning area	23	Y	0
Secondary	Boston Secondary Planning area	22	N	22
Sixth-form	Boston Secondary Planning area	4	N	4

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	0	£18,007	£0	2.00	£18,367	£0
Secondary extension	22	£25,003	£550,066	2.00	£25,503	£561,066
Sixth-form extension	4	£25,003	£100,012	2.00	£25,503	£102,012
<b>Total</b>	-	-	<b>£650,078</b>	-		<b>£663,078</b>

\*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)