

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

**District: West Lindsey District Council**

**Application number: 146082**

**Application Type: FULL**

**Proposal: Planning application for construction of 30no. affordable homes and associated infrastructure - Phase 2b**

**Location: Land off Deepdale Lane, Nettleham, Lincoln, LN2 2LT**

**Response Date: 3 April 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.

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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 Objections**

*Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.*

**Recommendation for refusal/No objection subject to:**

*The below conditions.*

**Comments:**

*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. This application has a suitable drainage strategy in principle, therefore the Lead Local Flood Authority does not consider that this proposal would increase flood risk in the immediate vicinity of the site.*

*There is no precise definition of "severe" with regards to NPPF Paragraph 111, 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 with regard to NPPF.*

**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 1.8m metre wide frontage footway, from the western boundary footpath to the junction of Baker Drive, 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 a level access Bus Stop to Lincolnshire County Council's specification at a suitable location, and the 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 a tactile crossing point at the junction of the Public Right of Way opposite No 48 Deepdale 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 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 greenfield run-off rates;*
- 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 01**

*Where a footway is to be constructed on private land, that land must be dedicated to the Highway Authority as public highway.*

### **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, 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>*

**Regards**

**Officer's Name: John Clifton**

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

**Date: 3 April 2023**