

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

**District: North Kesteven District Council**

**Application number: 22/1376/FUL**

**Application Type: Full-Major**

**Proposal: Erection of 148 dwellings with associated outbuildings/garages and landscaping/open space and affordable housing and including conversion of existing (retained) building to shop and offices**

**Location: Produce World Ltd, Moor Lane, Swinderby, Lincoln, LN6 9LX**

**Response Date: 29 June 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:**

**Approve with conditions**

### **Introduction/Site Location**

*This is an application for the Erection of 148 dwellings with associated outbuildings/garages and landscaping/open space and affordable housing and including conversion of existing (retained) building to shop and offices following outline permission granted 21st December 2017.*

### **Existing Conditions**

The access points already exist but require some alterations to bring them up to Lincolnshire County Council Specification - Section 184 Agreements. The site is a Brownfield site with a series of derelict outbuildings that will be demolished apart from one that will be retained for the Office/shop use. The site falls south to north towards Moor Lane drainage ditch. There are existing holding ponds - the site will be regraded to remove these.

### **Highway safety**

The highway network serving the site is subject to a 30mph speed limit. There are no recorded Personal Injury Accidents within the immediate vicinity of the site.

### **Highway capacity**

The site already has Outline Planning permission so the principle of development has already been approved.

### **Travel Plan**

A Travel Plan was submitted at outline that needed some amendments, it was conditioned that a revised Travel Plan is to be submitted. This hasn't been submitted satisfactorily so this will be conditioned again with this application. A Section 106 Agreement is in place from the Outline permission for the monitoring of the Travel Plan once it is in place.

### **Site Layout**

It is the Developers wishes for this site to remain Private. Concerns have been expressed with a development of this size being Private and reiterated many times that it will be in the interests of the Developer and its residents to have the site adopted but the Developer is reluctant to pursue this. An Advanced Payment Code will be applied to the Development under The Highways Act 1980 in order to protect the residents.

### **Flood Risk and Drainage**

The majority of the site is at very low risk for Surface water flooding, some areas mainly southern/central region is at medium/high risk. The site naturally falls in a northern direction towards the drainage ditch to the north of the site and flows in an easterly direction to the north east corner. Infiltration testing failed for the site. Overland flow routes through the development flow from south to north along the carriageways to mimic the existing topography. Careful attention will need to be paid to site levels to ensure that overland flow routes are maintained and localised low spots are not created. An Informative will be applied for this purpose.

The existing Surface Water is positively discharged to the drainage ditch to the north along Moor Lane which then connects to the Trent Valley Internal Drainage Board drainage ditch over the road into agricultural land. All surface water drainage for the proposed development is positively connected to the detention basin to the north east corner of the site then connects to the private drainage ditch before entering the IDB ditch - no approvals have been submitted. The runoff is reduced by 50% (145.2 l/s) for all storms up to 1:100 + 40%cc + 10% UC and providing the two stages of surface water treatment through porous paving, swales, detention pond etc. It is for the applicant to contact the Drainage board for approval. This will need to be provided along with how the ditches will be maintained.

### **Off-Site Improvements**

It was conditioned at Outline that a full frontage footway along Moor Lane would be provided but due to Tree Preservation Orders only part can be achieved. Therefore connections will be provided through a part internal footway link through the site and an extension to the existing footway on Moor Lane up to the Western access - this will be conditioned along with a series of Tactile crossings on route to the development (Moor Lane/Station Road, Station Road at the junction, location to be agreed to the School and Church) this can be justified as the development will increase pedestrian footfall in the vicinity and to promote Active Travel. The works will be carried out under a Section 278 Minor works Agreement.

A Footpath link is provided between plots 28 & 29 which links to the Public Right Of Way. Improvements are required to tarmac that part of Footpath 6 between the link path and the metalled pathway from the existing Peter Sowerby estate. The footbridge facilitating this access should be upgraded too, to one of a more durable steel and timber composite construction, featuring an anti-slip coating or texture, or a culvert, this will also form part of the Section 278 Minor Works Agreement.

As well as the Travel Plan monitoring Section 106 contributions are also in place for Bus Improvements.

### **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 13

Before the access is brought into use all obstructions exceeding 0.6 metres high shall be cleared from the land within the visibility splays illustrated on drawing number 2659-A1-109d dated 14.06.23 and thereafter, the visibility splays shall be kept free of obstructions exceeding 0.6 metres in height.

Reason: So that drivers intending entering the highway at the access may have sufficient visibility of approaching traffic to judge if it is safe to complete the manoeuvre.

#### Highway Condition 21

No part of the development hereby permitted shall be occupied before the works to improve the public highway (by means of an extension to the existing footway on Moor Lane up to the Western access, a series of Tactile crossings on route to the development ( Moor Lane/Station Road, Station Road at the junction, location to be agreed to the School/Church), tarmac the Public Right of Way part of Footpath 6 between the link path and the metalled pathway from the existing Peter Sowerby estate and upgrade the footbridge facilitating this access to one of a more durable steel and timber composite construction, featuring an

anti-slip coating or texture, or a culvert) 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 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 the surface water drainage scheme that has been submitted and partly approved by the Planning Authority.

The submitted scheme requires some further information that shall be submitted prior to commencing construction:

- provide Drainage discharge approval to IDB Ditch and the Private Ditch
- 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.

#### Highway Condition

Development shall not be occupied until a Revised Travel Plan has been submitted to and approved in writing by the local planning authority. Those parts of the approved Travel Plan that are identified therein as being capable of implementation after occupation of the relevant phase shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason: To ensure that access to the site is sustainable and reduces dependency on the car and in accordance with policy LP13 of the Central Lincolnshire Local Plan.

#### Highway Condition

Prior to construction justification is to be submitted to the Local Planning Authority for approval of the level of parking to be provided for the Shop/office proposed on site.

Reason: To ensure safe parking and access to the site and amenity for the residents thus ensuring adequate parking provision is provided.

#### Highway Condition

Secure cycle parking is to be provided for every dwelling (a garage is classed as Secure cycle parking those without garages need to provide an alternative method of secure cycle parking).

Reason - in accordance with the National Planning Policy Frameworks to encourage and promote Active Travel in the area.

### **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. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on our website, accessible via the following link:

<https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>.

### Highway Informative 04

The road serving the permitted development is approved as a private road which will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980). As such, the liability for the future maintenance of the road will rest with those who gain access to their property from it.

### 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>

#### 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.

#### Highway Informative 10

The drainage strategy submitted proposes a private surface water system. Please be advised that Section 50 of New Roads and Street Works Act 1991 will apply, and permission must be sought from the Highway Authority to grant a license for the apparatus. For guidance, please refer to [www.lincolnshire.gov.uk](http://www.lincolnshire.gov.uk)

**Officer's Name: Sam Wood**

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

**Date: 29 June 2023**



## RE: OBSERVATIONS ON CONSULTATION REQUEST

Property Strategy <Property\_Strategy@lincolnshire.gov.uk>

Fri 21/10/2022 15:08

To: HighwaysSUDsSupport <HighwaysSUDsSupport@lincolnshire.gov.uk>

Many thanks for the below consultation. The County Council has no comments on this consultation in relation to education as there is sufficient capacity in the locality for the children generated by this scheme.

Sam Barlow  
Strategic Development Officer  
Lincolnshire County Council  
County Offices, Newland, Lincoln, LN1 1YL

Mobile: 07920143702

Email: sam.barlow@lincolnshire.gov.uk



[Chat with me on Teams!](#)

Website: [www.lincolnshire.gov.uk](http://www.lincolnshire.gov.uk)



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**From:** HighwaysSUDsSupport <HighwaysSUDsSupport@lincolnshire.gov.uk>

**Sent:** 13 October 2022 14:44

**To:** PHLocalityteam <PHLocalityteam@lincolnshire.gov.uk>; planningliaison@anglianwater.co.uk;  
Countryside\_Access <Countryside\_Access@lincolnshire.gov.uk>; Property Strategy  
<Property\_Strategy@lincolnshire.gov.uk>

**Subject:** OBSERVATIONS ON CONSULTATION REQUEST

Dear Sir/Madam

**REFERENCE: 22/1376/FUL**

**DEVELOPMENT: ERECTION OF 148 DWELLINGS WITH ASSOCIATED OUTBUILDINGS/GARAGES AND LANDSCAPING/OPEN SPACE AND AFFORDABLE HOUSING AND INCLUDING CONVERSION OF EXISTING (RETAINED) BUILDING TO SHOP AND OFFICES**

**LOCATION: PRODUCE WORLD LTD, MOOR LANE, SWINDERBY, LINCOLN, LN6 9LX**  
**GRID REF: 487232 363076**

The County Council has received the above application for consultation.

The application can be viewed using the following link <https://planningonline.n-kesteven.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RIX7FYLL06200> and your comments are requested to be returned to [HighwaysSUDsSupport@lincolnshire.gov.uk](mailto:HighwaysSUDsSupport@lincolnshire.gov.uk)

It would be appreciated if your observations are returned within 14 days of the date of this email. If your observations are not received within the specified time then it will be assumed that you have no comments to make on this application.

Should you require an extension to the period of consultation for any reason, or wish to discuss any matter direct with the lead officer, please email [HighwaysSUDsSupport@lincolnshire.gov.uk](mailto:HighwaysSUDsSupport@lincolnshire.gov.uk).

Yours faithfully

**Highways SuDS Support**

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County Offices, Newland, Lincoln LN1 1YL  
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Website: [www.lincolnshire.gov.uk](http://www.lincolnshire.gov.uk)

