

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

District: Lincoln City Council

Application number: 2023/0218/RG3

Application Type: Full

Proposal: Demolition of existing garage blocks and erection of 11 dwellings with associated parking, bin store, landscaping and boundary treatments.

Location: Land adjacent to Garage Court, Hermit Street, Lincoln, Lincolnshire

Response Date: 8 August 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

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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Application Type: Full

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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 subject to Planning Conditions as detailed below.

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.

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 proposes the use of the existing surface water sewer system, alongside permeable paved areas, and flow control restrictions. Therefore the Lead Local Flood Authority does not consider that this proposal would increase flood risk in the immediate vicinity of the site.

Introduction/Site Location

This is an application to demolish the existing garage blocks and erect 11 dwellings with associated parking, bin store, landscaping and boundary treatments on the land adjacent to Hermit Street, Lincoln.

We have been engaged in pre-application discussions and have provided our principle support of the proposals.

Existing Conditions

The existing garage block access road is accessed via Hermit Street, off Portland Street.

Pedestrian footways are situated adjacent and opposite to the site and many amenities are within a short walking distance. Moreover, there are good links to public transport in the area.

Waiting restrictions are present along both Portland Street and Hermit Street.

The streets surrounding the site are subject to 30mph speed limit, and Portland Street has been redesigned to prevent cut-through driving.

Highway safety

As part of the development proposals, the existing access will be improved. The proposed development does not pose an adverse effect on public highway safety.

Highway capacity

As a result of the proposals, it is expected that there will be an additional 22 vehicles on the highway network.

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.

Site Layout

Vehicular access will be served via the existing Hermit Street garage block access.

Current residents will benefit from an additional 31 parking spaces, with a further two spaces provided for each new dwelling that come with EV charging points.

The existing refuse strategy is to pick bins up from the rear of Portland Street, therefore the proposals will look to maintain and enhance the refuse strategy.

Delivery vehicles are able to manoeuvre within site using the turning head provided between plots 5 and 6 allowing them to leave the site in forward gear.

Flood Risk and Drainage

The proposals seek to introduce an improved surface water drainage strategy from the existing situation, through the inclusion of permeable paving, and underground Storage tanks to be situated under private drives. Flow restrictors will reduce the flow rate from the existing calculated 21.0l/s to a proposed 11.5l/s using the existing Anglian Water sewer system to the Sincil Dyke outfall. This represents a betterment of 47% for a 1:100 year event with a 40% uplift to accommodate climate change.

Off-Site Improvements

To align with the upgrading of the proposed access, we request that the western footway along Hermit Street is also upgraded to meet current Lincolnshire County Council specifications.

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 21

No part of the development hereby permitted shall be occupied before the works to improve the public highway (by means of improvements to the footway to the west of Hermit Street, as shown on drawing P21184-HWA-ZZ-XX-DR-C-5001-P08 (002)) 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 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 XXX 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 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>

Officer's Name: Justine Robson

Officer's Title: Senior Development Management Officer

Date: 8 August 2023

Chief Fire Officer: Mark Baxter

My Ref: JF
Your Ref: 2023/0218/RG3

Lincolnshire Fire and Rescue
Skegness Fire Station
Churchill Avenue
Skegness
Lincolnshire
PE25 2RN

Head of Planning
Lincolnshire County Council
County Offices
Newland
Lincoln
LN1 1YL

For the attention of the relevant Planning Officer

Sent by email to HighwaysSUDsSupport@lincolnshire.gov.uk

27 July 2023

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990
PLANNING CONSULTATION: DEMOLITION OF EXISTING GARAGE BLOCKS
AND ERECTION OF 11 DWELLINGS WITH ASSOCIATED PARKING, BIN
STORE, LANDSCAPING AND BOUNDARY TREATMENTS. LAND ADJACENT
TO GARAGE COURT, HERMIT STREET, LINCOLN, LINCOLNSHIRE.**

I refer to the planning application reference 2023/0218/RG3. The Fire Authority would make no objection to the application provided that the following items were included in the development.

ACCESS FOR THE FIRE SERVICE

Suitable and sufficient access for fire appliances and fire fighters should be provided, the criteria of which is specified within Building Regulations 2010 Part B5. Access roads should therefore have:

- Minimum carrying capacity of 18 tonnes (Lincolnshire Fire and Rescue requires this minimum carrying capacity for hard standing for pumping appliances, not 12.5 tonnes as detailed in the Building Regulations 2010 part B5).
- Minimum 3.7m width between kerbs. From the site layout provided it appears this has been addressed.
- Minimum width of gateways 3.1m.
- Minimum height access of 3.225m.
- A turning circle, hammerhead or other turning point in a dead end access route that is more than 20m long.

These requirements may be satisfied with other equivalent standards relating to access for firefighting, in which case those standards should be quoted in correspondence.



MAKING OUR COMMUNITIES SAFER, HEALTHIER AND MORE RESILIENT

WWW.LINCOLNSHIRE.GOV.UK/LFR

Should you wish to discuss this matter, please do not hesitate to contact me on the email below.

Yours faithfully

Joshua Frost
Fire Safety Inspector
Lincolnshire Fire & Rescue
Lincolnshire County Council
Email: fire.safety@lincolnshire.gov.uk

CC. Lincolnshire Fire & Rescue Water Officer

City of Lincoln 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/COLC/2023/0218/RG3/2023
 12 April 2023

Dear Sir/Madam

Development – DEMOLITION OF EXISTING GARAGE BLOCKS AND ERECTION OF 11 DWELLINGS WITH ASSOCIATED PARKING, BIN STORE, LANDSCAPING AND BOUNDARY TREATMENTS.

Application Number – 2023/0218/RG3

Thank you for your notification of 04 April 2023, 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	1	N	1	£18,367
Secondary	1	N	1	£25,503
Sixth-form	0	N/A	0	£0
			Total	£43,870

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	£18,367	Education provision in Lincoln South Primary Planning area
Secondary	£25,503	N/A - CIL
Sixth-form	£0	N/A - CIL

Following the removal of Regulation 123 from the Community Infrastructure Levy Regulations on 01 September 2019, requests for items formerly on a Regulation 123 list are now permitted; the Central Lincolnshire Developer Contributions Supplementary Planning Document (2018) still restricts secondary and school-based sixth form to CIL only. Requests can also 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	5	0.09	0.45	0.09	0.45	0.018	0.09
3 Bedroom	6	0.17	1.02	0.17	1.02	0.034	0.204
Total (rounded down)	11	-	1	-	1	-	0

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	Lincoln South Primary planning area	1	N	1
Secondary	Lincoln South Secondary planning area	1	N	1
Sixth-form	Lincoln South Secondary planning area	0	N/A	0

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	1	£18,007	£18,007	2.00	£18,367	£18,367
Secondary extension	1	£25,003	£25,003	2.00	£25,503	£25,503***
Sixth-form extension	0	£25,003	£0	2.00	£25,503	£0***
Total	-	-	£43,010	-		£43,870

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

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

***amounts for indicative purposes only, request reduced to £0 in line with Developer Contributions Supplementary Planning Document

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 City of Lincoln Council for your continued cooperation and support.

Yours sincerely

Sam Barlow
Strategic Development Officer
Corporate Property Service

(By e-mail)