

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

District: East Lindsey District Council

Application number: S/053/01341/23

Application Type: Full - Major

Proposal: Planning Permission - Siting of 22no. modular homes for over 55s and construction of a vehicular access.

Location: Land off Low Road, Friskney, Boston, Lincolnshire, PE22 8NJ

Response Date: 13 September 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.

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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

The access into the proposed development would be at a point where adequate visibility would be afforded to drivers entering the public highway, of any vehicle that may be approaching from their left or their right, for the driver to judge if it is safe to complete the manoeuvre.

The submitted details indicate that it is the Applicants' intention that the roads within the site are to remain private i.e. that they do not wish for the roads to be adopted by the highway authority. The highway authority has no objection to this however, specific arrangements may have to be made for refuse collection if the local authority has a policy of not allowing their refuse collection vehicles to run on private roads.

The submitted details also indicate that it is the Applicants' intention to gate the entrance into the development. These gates must be set back a sufficient distance to ensure that the largest vehicle that might be expected to attend the development (the refuse collection vehicle for example), does not overhang the public highway whilst awaiting the opening of the gate, thereby endangering or obstructing the free passage of those using the public highway.

The village footway network stops short of the frontage of the site so as a Condition of any grant of Consent, it is requested that the existing footway be extended along the sites frontage into the proposed development and further East making connection to the proposed pedestrian access route adjacent to the EA/IDB open watercourse, so as to provide safe and suitable pedestrian access.

The existing village 30/40mph speed limit is adjacent to the eastern boundary of the first/last property on Low Road. To cover the highway authority's costs processing the Traffic Regulation Order required to alter the position of the village speed limit to the eastern end of the proposed development, it is requested that the Applicants be required to enter into a Section 106 Agreement to make a non-returnable payment of £2,800, which would be transferred to the highway authority.

The entrance into the proposed development will require the construction of a bridge or a culvert, to cross the not insubstantial roadside watercourse, and possibly a culvert for the frontage footway. Because the internal road network is to remain private, these structures would not be adoptable by the highway authority, however the highway authority would need to be satisfied that the structures does not have any potential for compromising the integrity of the public highway.

Planning Conditions:

In the event that permission is to be given, the following planning conditions should be attached:

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 the Highway Authority's 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 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 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 1.8 metre wide footway, 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 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 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.

Note to Planner

We wish to request that the applicant enters in to a S106 Agreement to secure to secure the funding of £2,800 for Lincolnshire County Council to undertake a Traffic Regulation Order to extend the 30mph speed limit East of the proposed access site on Low Road.

Countryside comments

The provision of the footpath access around the north east of the site looks good on paper, but for it to be of use to the wider community it should be dedicated as a Public Footpath in order that access is protected in the future. Providing this route for residents only means that other residents in Friskney would not be able to use what would be a useful link in the village off-road walking network.

This development will see residents wanting to explore the wider countryside which will put additional strain on the existing network. By providing a dedicated Public Footpath along this route users may be more evenly distributed around the village network.

Officer's Name: Dean Whitehead

Officer's Title: Senior Development Management Officer

Date: 13 September 2023