

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

District: North Kesteven District Council

Application number: 23/0628/OUT

Application Type: Outline

Proposal: Residential development of up to 120 no. dwellings (outline with all matters reserved)

Location: Land off Heron Walk, Apex Lake, Newark Road, North Hykeham, Lincoln, LN6 9TR

Response Date: 17 October 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

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: 23/0628/OUT

Application Type: Outline

Location: Land off Heron Walk, Apex Lake, Newark Road, North Hykeham, Lincoln, LN6 9TR

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:

- **Planning Conditions** as detailed below.

Introduction/Site Location/Comments

The former Hykeham quarry site covers an area of some 79 hectares that is predominantly now what is known as Apex Lake including 6.2 hectares of land on the southern side of the lake, which is separated from Newark Road by established residential development.

The application site was previously an operational area for quarrying, initially as part of that which resulted in Apex Lake, and then for some time after the extraction of minerals ceased for the processing of minerals that were transported onto the site for crushing and bagging.

The site is now a vacant, distinct and discrete parcel of land located within the Lincoln Urban Area, well related to the existing built form, in a sustainable location for new homes, with ready access to services and facilities.

This is an outline application with all matters reserved. As an indicative access and layout drawing has been provided, we have included comments below for consideration when preparing submission of reserved matters.

In line with placemaking principles, we support the Local Planning Authority, in securing innovative layouts which promote sustainability and place which are key considerations in highway design. Highway designs should encourage sustainable patterns of movement whilst reflecting the anticipated pedestrian, cycle and vehicle usage and desire lines. Streets should be designed to allow social interaction and encourage all modes and not just the free flow of vehicular traffic.

When an application is submitted for Reserved Matters, further details are to be provided in respect of the proposed footway/cycleway connection on to Newark Road along with the proposed construction details/design and future maintenance regime.

Highway safety/Highway capacity

A transport assessment has been submitted in support of the application proposals. In terms of the junction assessment with Heron Walk and Newark Road, it is confirmed that the overall impact of development traffic on the operation of the junction is a minimal impact and can be adequately accommodated within the AM and PM peak hour periods.

Of the three other junction assessments, including Newark Road/Moor Lane and Newark Road/A46 junctions, it was determined that these operate over capacity in the 2026 Future Baseline scenario. With the inclusion of traffic generated by the proposed development, the junctions would continue to operate over capacity during the AM and PM peak periods. However, the marginal increase in RFC and queue lengths when compared with the 2026 Future Baseline Year Assessment demonstrates that the overall impact of development traffic on the operation of the junctions, is not considered to be severe.

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.

Flood Risk and Drainage

The principle of the proposed drainage strategy is acceptable. Please provide all additional information with future applications including drainage strategy, discharge agreements, Ground Investigation Report, Hydraulic Calculations. It is expected that the site is to deliver a fully SuDS compliant scheme, in line with the NPPF.

Off-Site Improvements/S106 Requests

A contribution of £70,000 is requested to provide traffic signal improvements at Tiber Road/Newark Road junction. This will include upgrades to the existing pedestrian crossing facilities and signals (latest control methods), related to an intensification of traffic and pedestrian movements at this junction. This will help to improve capacity concerns in this location.

A contribution of £55,000 is requested to improve sustainable transport provision and infrastructure which will include additional evening services for route 16 along Newark Road and upgrades to the bus stop at Nero Way and Oak Farm Paddock. This will provide an opportunity for a longer term sustainable service and mitigation for additional traffic generation, as a result of the development, and improve accessibility of existing bus stops nearest the site and encourage the use of sustainable transport.

In addition, a total contribution of £5000 is requested to cover LCC costs for reviewing the Travel Plan implementation and progress over the initial 5 year period.

A series of uncontrolled tactile crossing points are also to be requested at key junctions, in the vicinity of the site, as detailed within the condition below.

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 installing uncontrolled tactile crossing points at the existing dropped kerbs at the junctions of Heron Walk/Newark Road, Oak Farm Paddock/Newark Road, Lake View Close/Newark Road, Cornflower Way/Newark Road, Macmillan Avenue/Newark Road, Denzlingen Close/Newark Road and Langley Road/Newark Road) 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 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

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 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;

- 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 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 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 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.

Officer's Name: Sarah Heslam

Officer's Title: Principal Development Management Officer

Date: 17 October 2023

North Kesteven District 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/NKDC/23/0628/OUT/2023
19 July 2023

Dear Sir/Madam

Development – RESIDENTIAL DEVELOPMENT OF UP TO 120 NO. DWELLINGS (OUTLINE WITH ALL MATTERS RESERVED)

Application Number – 23/0628/OUT

Thank you for your notification of 06 July 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	24	N	24	£ 440,808
Secondary	23	Y	0	£0
Sixth-form	4	Y	0	£0
			Total	£ 440,808

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	£ 440,808	Education provision in the Hykeham primary planning area
Secondary	£ 0	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. It is the County Council's intention to seek that this is reviewed as part of the Local Plan update. 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
Unknown	120	0.2	24	0.19	22.8	0.038	4.56
Total (rounded down)	120	-	24	-	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	Hykeham primary planning area	24	N	24
Secondary	Hykeham secondary planning area	22	Y	0
Sixth-form	Hykeham secondary planning area	4	Y	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	24	£18,007	£432,168	2.00	£18,367	£440,808
Total	-	-	£432,168	-		£440,808

*current cost per pupil place based on DFE scorecards 2021

** to reflect Lincolnshire's average build cost

***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 North Kesteven District Council for your continued cooperation and support.

Yours sincerely

Sam Barlow
Strategic Development Officer
Corporate Property Service

(By e-mail)