

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

**District: East Lindsey District Council**

**Application number: S/194/01658/22**

**Application Type: Full - Major**

**Proposal: Planning Permission - Erection of 122no. dwellings with associated garages, landscaping, internal access roads and construction of a vehicular access**

**Location: Land rear of the Bungalow, Matt Pits Lane, Wainfleet**

**Response Date: 9 February 2024**

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**

### **Planning Conditions**

#### 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 D-1003 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 20

The development hereby permitted shall not be occupied before a frontage footway, dimensions to be agreed with Lincolnshire County Council Highway Authority and the extinguishment and creation of a new PROW public footpath 328 has been created under S257 of the Town and Country Planning Act, 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 21

No part of the development hereby permitted shall be occupied before the works to improve the public highway by means of road widening to the sites frontage on Matt Pitts Lane with a frontage footway, pedestrian crossing points with tactile paving on Matt Pitts Lane, the junction of Matt Pitts Lane with Brewster Lane, the junction of Hastings Drive with Brewster Lane, the junction of Brewster Lane with High Street/Spilsby Road, on Magdalen Road and the junctions to the school accesses, junction of Winchester Road with Magdalen Road and the junction of Magdalen Road with High Street, 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 27

The permitted development shall not be occupied until those parts of the approved Travel Plan that are identified therein as being capable of implementation before occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented for as long as any part of the development is occupied.

Reason: In order that the permitted development conforms to the requirements of the National Planning Policy Framework, by ensuring that access to the site is sustainable and that there is a reduced dependency on the private car for journeys to and from the development.

#### 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 1.4 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 07

The highway improvement works referred to in conditions 20 and 21 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 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.

### **Comments:**

The site is located approximately 600m to the northwest of the centre of Wainfleet All Saints and approximately 9.2km southwest of Skegness town centre. The site is bound by Matt Pitts Lane and dwellings to the north, dwellings to the east and farmland to the south and west. The development proposals comprise 122 dwellings with the site being allocated within the East Lindsey Local Plan. The site will take access from Matt Pitts Lane via a new priority T-junction including off-site improvement works to widen Matt Pitts Lane to the site's frontage. A new footway will be provided from the site access, along the northern boundary which will tie in with the existing provision to the east and west of the site on Matt Pitts Lane. A secondary pedestrian/cycle access point will be provided from Oxford Way to the east of the site, subject to agreement.

The closest bus stops to the site are located on Market Place, approximately 650m (8 min walk) to the southeast of the site. Located on each side of the carriageway, the stop to the south side has a dedicated bus layby, supported by raised kerbs. On the north side of the carriageway, the stop comprises a flag and timetable information.

There is no precise definition of "severe" with regards to National Planning Policy Framework 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.

The applicant has submitted a Transport Statement to support their application, which demonstrates that these criteria have not been met.

The proposals are anticipated to generate 59 two-way trips in the AM peak and 60 two-way trips in the PM peak. Capacity assessments have been undertaken for a number of off-site junctions where the development proposals were identified to increase peak hour flows by 30 or more two-way trips in either peak hour. The modelling results indicate all junctions will operate satisfactorily in both peak hours with the addition of the development traffic in both the current and design year.

Accident has been recorded in the study area, equating to 0.2 accidents per year during the last five-year period. Occurring on Spilsby Road prior to the junction with Brewster Road, this accident was recorded in 2017 and involved 2 vehicles, one of which was a motorcyclist. Based on the quantum and geographical spread of the accidents recorded, it is not

considered that there are any existing road safety issues that would be exacerbated by the development proposals.

Visibility splays at the site access are based on the recorded 85th percentile speeds of vehicles travelling along Matt Pitts Lane. Automated Traffic Counts were undertaken over a 7-day period from the 26th July 2022 in order to capture the speeds of vehicles travelling eastbound and westbound along Matt Pitts Lane. The speed survey demonstrated the 85th percentile speed of vehicles was 23.2mph and 27.9mph for eastbound and westbound vehicles, respectively. Visibility requirements set out in Manual for Streets have been utilised to demonstrate the required visibility splays from the site access, which are deemed as being acceptable.

The National Planning Policy Framework (NPPF) is clear in its advice, that developments should be resisted or refused only where the residual cumulative transportation impacts are severe, or that the development would have an unacceptable safety impact. This is clearly not the case from this application, as the overall impact of vehicle trips created by the development on the highway network will be negligible and therefore it is considered that the proposed development would not have a severe residual cumulative impact on highway safety or capacity issues in accordance with the NPPF.

The ground investigation report submitted with the planning application states that infiltration drainage is not expected to be feasible owing to poor infiltration test results and a shallow water table. This will preclude the use of deep soakaways, but shallow infiltration techniques could be feasible and should be considered when shallow infiltration rates are known. As it is proposed to discharge surface water to the ordinary watercourses, the consent of the Lindsey Marsh IDB will be required in accordance with its Land Drainage Byelaw 3. It is recommended that the central watercourse is investigated to establish whether it has a piped connection to the IDB piped watercourse and any accumulation of silt should be removed prior to construction. The UK SuDS estimate of the greenfield runoff rate for the developable area of 4.11ha is 6.29 l/s based on a soil type 2. The rate per ha by this estimate is therefore 1.53 l/s and the IDB has indicated that this would be an acceptable rate of discharge to a watercourse in its area. The Surface Water Drainage Strategy, submitted by the applicant meets SUDs requirements in proposing attenuation of the surface water and discharge to IDB watercourse.

**Officer's Name: Dean Whitehead**

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

**Date: 9 February 2024**