

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

**District: South Holland District Council**

**Application number: H16-0136-23**

**Application Type: Full-Major**

**Proposal: Proposed residential development of 76 dwellings, including demolition of existing glass houses & auxiliary buildings with the retention of Ivanda House**

**Location: Ivanda Nursery, Monks House Lane, Spalding, PE11 3LH**

**Response Date: 22 January 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.

### **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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## **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 conditions below**

### **Comments:**

The proposal is for a residential development of 70 dwellings (originally for 76 dwellings), including demolition of existing glass houses & auxiliary buildings with the retention of Ivanda House. It is a linear development and all highway issues have been resolved through the planning process. There will be no raised tables just a change in colour to act as a Traffic Calming measure. The vehicle link onto the adjacent Toridge Road has been changed to just a pedestrian link. Refuse vehicles will reverse into the Cul-de-sacs for a short distance and pull out in a forward gear which is acceptable.

### **Introduction/Site Location**

The site is the former Ivanda Nursery site at Monks House Lane, Spalding, PE11 3LH. The site is brownfield, having last been used as a plant growing nursery and is surrounded by existing residential development. The Nursery site entrance had already been formed as a junction, with radii, visibility splays and tactiles from when Monks House Lane was altered to accommodate the south-bound traffic accruing from the large Wygate Park residential development. Monks House Lane joins Bourne Road on the west side of Spalding, via Wygate Park and Woolram Wygate, to Pinchbeck Road on the north side of Spalding.

### **Existing Conditions**

The access to the site already exists and is acceptable to accommodate the development. There are existing footways to the site on Monks House Road and they are to current standards with a Tactile crossing in place. The lining is worn but this will be replaced in the Section 38 Agreement with Lincolnshire County Council.

### **Highway safety**

The site has an existing access to which there will be no changes and there are no recorded Personal Injury Accidents in the vicinity. The existing Pedestrian connectivity is good as it visibility.

## **Highway capacity**

There is no precise definition of "severe" with regards to NPPF Paragraph 115, 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**

A linear development of 70 dwellings from an existing access on Monks House Road. The layout is acceptable for future Section 38 design in accordance with current standards. It consists of several cul-de-sacs branching to the north of a short distance leading to private parking areas with housing overlooking the parking areas. There is a pedestrian link to the north with retained grassland on the southern boundary.

## **Flood Risk and Drainage**

Edward Road Dyke runs along the southern boundary where a 9m easement and the IDB have objected due to planting shown within the easement as this would prevent access to maintain the dyke - a condition will be requested so as there will be no planting within the easement.

A conventional drainage system is proposed connecting to an attenuation basin controlled via a Vortex Control Chamber restricting the rate of discharge into Edward Road Dyke to 30l/s. The IDB have confirmed that the revised drainage strategy with its proposed surface water discharge restricted to a maximum flow of 30 litres/second is agreeable in principle with the Board subject to the agreement of technical details.

## **Off-Site Improvements**

The Spalding Western Relief Road Delivery Strategy (SWRR) was approved by Lincolnshire County Council Executives on 7th January 2020, it sets out the delivery of the SWRR in phased sections with Section 5 being the first of these sections to be constructed. The SWRR Delivery Strategy sets out the proposed S106 contributions to the delivery of the whole SWRR scheme.

Section 5 comprises a circa 1km length of road linking the B1356 Spalding Road with Section 4 of the scheme. The B1356 Spalding Road is the main route between Spalding and Pinchbeck. The section will comprise a five-arm roundabout junction on the B3156 Spalding Road which will provide access to the SWRR, Enterprise Way and the Vernatt's Drain SUE. The junction will replace the existing priority-controlled junction located on Enterprise Way which

currently has issues of traffic congestion during peak periods. At the western extent of the section, a three-arm signalised junction with associated pedestrian and cycle facilities will be provided for access into the Vernatt's SUE. The section will also include a three-span bridge over the Sleaford to Peterborough railway line.

Section 5 S106 contributions have been calculated at £8,028 per unit. £8,028 per unit = £561,960 for 70 units.

### **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 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 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 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.

## Condition

Notwithstanding the knee rail and tree planting in close proximity to the 6m easement of the drain as shown on the layout plan reference MHL-SH-PD-SL-1002 G, no additional tree planting shall take place within 9m of the dyke brink to the southern boundary. The 6m strip of retained grassland to the southern boundary adjacent to the drain as shown on the layout plan reference MHL-SH-PD-SL-1002 G shall be kept free of development and tree planting within this area, and it shall be maintained as grassland thereafter.

Reason: To ensure the dyke can be adequately maintained in the interests of maintaining adequate surface water drainage and to ensure the integrity of the retained grassland preserves its biodiversity value. This Condition is imposed in accordance with Policies 4 and 28 of the South East Lincolnshire Local Plan, 2019.

## Highway Condition

Cycle Storage should be provided for all dwellings where they do not have a garage.

Reason - to encourage Active Travel and in accordance with LTN120.

## 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>

#### 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.

#### **Note to Planner**

We wish to request that the applicant enters into a S106 Agreement to secure the funding of £8,028 per unit = £561,960 (70 units) towards the delivery of the Spalding Western Relief Road.

**Officer's Name: Samantha Legg**

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

**Date: 22 January 2024**

South Holland District Council  
Development Control  
Planning Department

Corporate Property Team  
Lincolnshire County Council  
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Newland  
Lincoln LN1 1YL

Email: [Property\\_Strategy@Lincolnshire.gov.uk](mailto:Property_Strategy@Lincolnshire.gov.uk)

My Ref: S106/SHDC/H16-0136-23/2023  
22 February 2023

Dear Sir/Madam

**Development** – PROPOSED RESIDENTIAL DEVELOPMENT OF 76 DWELLINGS, INCLUDING DEMOLITION OF EXISTING GLASS HOUSES & AUXILIARY BUILDINGS WITH THE RETENTION OF IVANDA HOUSE  
**Application Number** – H16-0136-23

Thank you for your notification of 16 February 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	10	N	10	£183,670
Secondary	9	N	9	£229,527
Sixth-form	1	N	1	£25,503
			<b>Total</b>	<b>£438,700</b>

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	£183,670	Education provision in Spalding West primary planning area
Secondary	£229,527	Education provision in Spalding secondary planning area
Sixth-form	£25,503	Education provision in Spalding secondary planning area

Following the removal of Regulation 123 from the Community Infrastructure Levy Regulations on 01 September 2019, requests can 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	34	0.09	3.06	0.09	3.06	0.018	0.612
3 Bedroom	30	0.17	5.1	0.17	5.1	0.034	1.02
4+ Bedroom	6	0.33	1.98	0.27	1.62	0.054	0.324
Total (rounded down)	70	-	10	-	9	-	1

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	Spalding West primary planning area	10	N	10
Secondary	Spalding secondary planning area	9	N	9
Sixth-form	Spalding secondary planning area	1	N	1

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	10	£18,007	£180,070	2.00	£18,367	£183,670
Secondary extension	9	£25,003	£225,027	2.00	£25,503	£229,527
Sixth-form extension	1	£25,003	£25,003	2.00	£25,503	£25,503
<b>Total</b>	-	-	<b>£430,100</b>	-		<b>£438,700</b>

\*current cost multiplier per pupil place based on National Cost Survey

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

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 South Holland District Council for your continued cooperation and support.

Yours sincerely

**Sam Barlow**  
**Strategic Development Officer**  
**Corporate Property Service**

(By e-mail)