

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

**District: Boston Borough Council**

**Application number: B/23/0450**

**Application Type: Outline-Major**

**Proposal: Outline planning application with some matters reserved (Appearance, Landscaping & Layout) for later approval for 9 detached (2 storey) dwellings**

**Location: Land between 33 and 59 Garfits Lane, Boston, PE21 7ES**

**Response Date: 12 March 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**

### **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.

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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

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.

### **Introduction/Site Location**

The proposal is an Outline planning application with some matters reserved (Appearance, Landscaping & Layout) for later approval for 9 detached (2 storey) dwellings on Garfits Lane. Garfits Lane is a private road that adjoins the public highway at Park Road. This application forms a Major application due to the site being an allocated site in the Local Plan for a Sustainable Urban Extension - the number of dwellings would not ordinarily fall into the Major category.

### **Existing Conditions**

Grafits Lane is restricted in width and it is not wide enough to permit the safe passage of two vehicles. However, there are existing residential properties along here and there are unofficial passing places such as access points where people wait for another car to pass.

If Garfits Lane were public highway then I would like to see the developer introduce some improvements to Garfits Lane to widen the carriageway along the site frontage. To widen Garfits Lane along here would provide a safe road in which two vehicles could pass for a good section and it would also provide a passing place with good forward visibility in which vehicles could wait prior to entering the narrow section if a vehicle was approaching. This would be down to the Local Planning Authority to pursue.

## **Highway safety**

The Highways and Lead Local Flood Authority response is in relation to the impact the proposed development would be expected to have on the operation of the Public Highway. Garfits Lane is a private road, and the highway authority has no jurisdiction over the use of this road. With regard to this application, we have considered the safety and impact of these proposals on Adopted Park Road and its junction with Garfits Lane. It is for the Local Planning Authority to determine whether the access provided by the private road is safe and suitable for all users.

The junction of the public highway with the private road is suitable to accommodate the proposed development

As Garfits Lane is unadopted the site would have to remain private as it does not connect directly to the public highway. To bring Garfits Lane up to an adoptable standard would be near on impossible due to the restricted widths of the road with no scope to widen. We have no mechanism as Highway Authority to ensure that the streets are built to an acceptable standard as the Advanced Payment Code under the Highways Act 1980 only applies where developments adjoin the public highway.

## **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**

Site layout has not been considered at this time as this is an outline application with access and scale only to be considered.

Access exists but shows they will widen to 5m and create a 4.2m driveway to serve the properties. The entrance will also provide inherent widening of Garfit's Lane – which ordinarily is a single -track road.

## **Flood Risk and Drainage**

The site lies within flood zone 3 “high risk of flooding”

Residual (Tidal) High Mitigation based on a breach in the tidal defences. FFL raised to 3.30m AOD + water resistant external doors, alternatively; FFL raised to 3.90m AOD. Flood resilient construction to 3.90m AOD

Low risk of surface water flooding.

Mitigation

- FFL raised to 3.30m AOD and construction to include water resistant external doors, water resisting airbricks, backwater valves, non-return valves and all electrical installation to be above 3.90m AOD; or alternatively,
- FFL 3.90m AOD.

When reserved matters is applied for they will need to show that the raising of the floor levels will not have an impact on the surrounding area.

An open watercourse is recorded approximately 50m beyond the sites western boundary, the IDB has advised this is an IDB maintained watercourse. A 9m maintenance zone (measured from the top of the bank) shall be maintained along the length of the watercourse.

Several unnamed watercourses/ditches are recorded along the site's northern and western boundaries, these are not IDB maintained assets. It is understood that water flow within these watercourses is likely to flow north, but this requires verification as part of the detailed design. The IDB have advised that suitable access strips should be left along the top of the banks of the watercourses to allow future maintenance.

The nearest main river is South Forty Foot Drain approximately 0.5km to the north of the site.

Infiltration tests failed. It is proposed to discharge surface water to the northern ditch, as the route to the western ditch is likely to be hindered by an existing mains water main crossing the site. Following consultation with Black Sluice IDB, they have advised that surface water discharge from the site to the watercourse network should be limited to 5 litres/second.

Provision for the maintenance of the watercourses will have to be ensured – a maintenance regime would be required at detailed design stage.

### **Planning Conditions:**

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

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 5 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 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.

### 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 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: Samantha Legg**  
**Officer's Title: Principal Development Management Officer**  
**Date: 12 March 2024**

Boston Borough Council  
 Development Control  
 Planning Department

Corporate Property Team  
 Lincolnshire County Council  
 County Offices  
 Newland  
 Lincoln LN1 1YL

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

My Ref: S106/BBC/B/23/0450/2023  
 22 December 2023

Dear Sir/Madam

**Development – Outline planning application with some matters reserved (Appearance, Landscaping & Layout) for later approval for 9 detached (2 storey) dwellings at Land between, 33 and 59, Garfits Lane, Boston, PE21 7ES**  
**Application Number – B/23/0450**

Thank you for your notification of 22 December 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 2026/27 (Y/N/Partial)	Places to be mitigated	Contribution sought
Primary	2	N	2	£ 39,627
Secondary	1	N	1	£ 27,251.34
Sixth-form	0	N/A	0	£ 0
			<b>Total</b>	<b>£ 66,878.34</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	£39,627	Education provision in Boston West primary planning area
Secondary	£27,251.34	Education provision at Boston Haven High Academy/Boston High School/Boston Grammar School
Sixth-form	£ 0	

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
Unknown	9	0.30	2.7	0.1611	1.4499	0.060	0.54
Total (rounded down)	9	-	2	-	1	-	0

Capacity is assessed using the County Council's projected capacity levels at 2026/27, 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 2026/27 (Y/N/Partial)	Places to be mitigated
Primary	Boston West Primary planning area	2	N	2
Secondary	Boston Haven High Academy Boston Grammar School Boston High School	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	2	£19,425	£38,850	2.00	£19,813.50	£39,627
Secondary extension	1	£26,717	£26,717	2.00	£27,251.34	£27,251.34
<b>Total</b>	-	-	£65,567	-		£66,878.34

\*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 Boston Borough Council for your continued cooperation and support.

Yours sincerely

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

(By e-mail)