

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

**District:** East Lindsey District Council

**Application number:** S/152/02014/23

**Application Type:** Full – Major Planning Application

**Proposal:** Planning Permission - Erection of 83 dwellings with landscaping, associated works, the construction of surface water attenuation basin and vehicular access

**Location:** Land rear of Page Close, Sibsey

**Response Date:** 23 May 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 objection subject to:**

- **Closing of existing access.**
- **PROW connection**
- **Bus Stop Improvements**
- **Pedestrian Crossing Upgrades**
- **Minimum infrastructure construction**
- **Surface Water Scheme**
- **Construction Management Plan**
- **Travel Plan**

### **Comments:**

The proposal is for the erection of 83 dwellings with landscaping, associated works, the construction of surface water attenuation basin and vehicular access. The site has previously been approved for Outline Planning Permission under S/152/02224/19. The site is located to the North of Sibsey and accessed of the A16, which provides a link to Boston in the South and Spilsby in the North.

The vehicular access meets the visibility guidelines set out in Manual for Streets, the proposed development will trigger a reduction in the speed limit, therefore, the Highway Authority request a S106 Agreement for LCC to undertake a Traffic Regulation Order to extend the current speed limit.

There is a footway to the front of the site, this provides ad sustainable link to the local facilities, such as the school, shop and village hall, however, some of the crossing points are not up to modern standards, the Highway Authority request that two of the crossing points are upgraded to tactile crossings to provide adequate pedestrian access for visually impaired residents. There is also a bus route that runs along the A16, to promote safe and sustainable transport, the Highway Authority are requesting two bus stops to be installed as conditioned in the outline application, along with this, the Highway Authority are requesting a bus pass scheme for new residents of the dwelling, this will promote the use of sustainable transport to and from the site from the day new residents move in.

When this site obtained Outline Planning Permission, a link to PROW Sibs/347/3 was secured, the Highway Authority are reconditioning this to provide sustainable access to the countryside for the residents of the development.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to Drainage on all Major Applications. This application proposes the use of swales to capture and cleanse surface water before it is stored in a basin and discharged at a controlled rate. Therefore the Lead Local Flood Authority does not consider that this proposal would increase flood risk in the immediate vicinity of the site.

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, subject to the conditions listed below.

#### **Planning Conditions:**

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

##### Highway Condition 01

Within seven days of the new access being brought into use, the existing access onto Main Road shall be permanently closed and returned to footway construction with full height kerbs in accordance with a scheme to be agreed in writing by the Local Planning Authority.

Reason: To remove vehicle access points in the public highway that are not required and no longer serve their intended use.

##### Highway Condition 02

No dwelling hereby permitted shall be occupied before a footpath to connect the development to PROW Sibs/347/3 has been provided in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the provision of safe and adequate means of access and connectivity from the development in accordance with Policy SP22 of the East Lindsey Local Plan and the NPPF.

#### Highway Condition 03

No part of the development hereby permitted shall be occupied before the works to improve the public highway (by means of providing two bus stops, associated infrastructure and crossing point) 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 04

The development hereby permitted shall not be occupied before the pedestrian crossing between the site and Sibsey Village Hall have been upgraded to tactile crossing points (the first over Millers Gate and the second over Dorothy Close), to improve the existing footway network for vision impaired pedestrians, they will be 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 05

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 06

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 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 5.7 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 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, the permitted development.

#### Highway Condition 07

No development shall take place until a Construction Management Plan and Method Statement has been submitted to and approved in writing by the Local Planning Authority which shall indicate measures to mitigate against traffic generation and drainage of the site during the construction stage of the proposed development.

The Construction Management Plan and Method Statement shall include;

- phasing of the development to include access construction;
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of 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, including drawing(s) showing how the drainage systems (permanent or temporary) connect to an outfall (temporary or permanent) during construction.

The Construction Management Plan and Method Statement shall be strictly adhered to throughout the construction period.

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, the permitted development during construction and to ensure that suitable traffic routes are agreed

## Highway Condition 08

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.

### Note to Planner

The travel plan is to include a redeemable free bus pass for two residents per dwelling for one year, residents are to have one year to redeem this bus pass from the day they move in. The expected cost of this is up to £160,000, which will depend on the take up of the scheme.

### **S106 request**

We wish to request that the applicant enters into a S106 Agreement to secure the funding of £2,270 for LCC to undertake a Traffic Regulation Order to extend the 40mph speed limit north of the proposed site access on A16.

Additionally, we request a S106 contribution of £5,000 for Travel Plan monitoring as above.

### **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 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](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>

**Officer's Name: Joseph Walden**

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

**Date: 23 May 2024**

East Lindsey District Council  
 Development Control  
 Planning Department

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

My Ref: S106/ELDC/S/152/02014/23/2023  
 10 November 2023

Dear Sir/Madam

**Development** – Erection of 83 dwellings with landscaping, associated works, the construction of surface water attenuation basin and vehicular access.

**Application Number** – S/152/02014/23

Thank you for your notification of 07 November 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	30	Partial	24	£ 475,524
Secondary	19	N	19	£ 517,775.46
Sixth-form	7	N	7	£ 190,759.38
			<b>Total</b>	<b>£ 1,184,058.84</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	£475,524	Education provision at Sibsey Free primary school
Secondary	£517,775.46	Education provision in Boston Secondary planning area
Sixth-form	£190,759.38	Education provision in Boston 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	11	0.225	2.475	0.0785	0.8635	0.032	0.352
3 Bedroom	44	0.373	16.412	0.2169	9.5436	0.078	3.432
4+ Bedroom	24	0.492	11.808	0.3903	9.3672	0.144	3.456
Total (rounded down)	79	-	30	-	19	-	7

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	Sibsey Free Primary School	30	Partial	24
Secondary	Boston Secondary planning area	19	N	19
Sixth-form	Boston Secondary planning area	7	N	7

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	£19,425	£466,200	2.00	£19,813.50	£475,524
Secondary extension	19	£26,717	£507,623	2.00	£27,251.34	£517,775.46
Sixth-form extension	7	£26,717	£187,019	2.00	£27,251.34	£190,759.38
<b>Total</b>	-	-	<b>£1,160,842</b>	-		<b>£1,184,058.84</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 East Lindsey District Council for your continued cooperation and support.

Yours sincerely

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

(By e-mail)