

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

District: North Kesteven District Council

Application number: 23/1283/FUL

Application Type: Full and Outline – Major Application

Proposal: Hybrid planning application seeking full planning for use of land as public open space and outline planning permission for residential development (14 dwellings) with details of means of access (all other matters reserved) (Neighbourhood Plan site allocation)

Location: Land at Heath Road, Scopwick, Lincoln

Response Date: 15 July 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:

- **Footway Extension**
- **Two Crossing Points**
- **Tactile Crossing Upgrade**
- **Speed limit TRO**

Comments:

The proposed site falls to the Northwest of Scopwick, in a parcel of land between the B1188 and B1191, the site has a Bus Shelter on the southern boundary. The proposed layout includes three separate drives leading to clusters of dwellings, the outside wrap of the development is proposed for community land with a footpath running through it, connecting to the Highway Network on the East and West of Heath Road.

There is a footway on the opposite side of Heath Road, this leads to the local garage in one direction and other local facilities such as the pub, church and village hall in the other direction. To ensure the proposed dwellings and community land has safe and suitable access to the existing footway network, the Highway Authority are requesting a footway extension on the North side of Heath Road along with two additional crossing points and the existing crossing point on B1188 be upgraded to modern standards.

A section of the B1188 on the Eastern boundary is a 50mph road leading onto a 30mph road, it has been highlighted that this section of road would meet the requirements to be reduced down to 30mph, subject to a Traffic Regulation Order, as this crossing point would see a higher footfall from the proposed development and community land, a reduction in the speed limit would slow down vehicles on the approach to the crossing.

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 to manage and cleanse surface water through the use of water butts and permeable paving, the surface water will then infiltrate into the ground. Therefore, the Lead Local Flood Authority does not consider that this proposal would increase flood risk in the immediate vicinity of the site.

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.

Planning Conditions:

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

Highway Condition 1

The development hereby permitted shall not be occupied before a 2-metre-wide footway, 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 footway is to run between the Bus Shelter and the access serving plots 8 to 12. 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 2

The development hereby permitted shall not be occupied before the two pedestrian crossing leaving the Community Land shown on drawing 1290-15_OP_SP02, 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 3

The development hereby permitted shall not be occupied before the pedestrian crossing point over the B1188, shown on drawing 1290-15_OP_SP02, has been upgraded to tactile crossing point, to improve the existing footway network for vision impaired pedestrians, to 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 4

No part of the development hereby permitted shall be occupied before the applicant has commenced proceedings with the Highway Authority to progress public consultation for a

Traffic Regulation Order for the extension of 30mph speed limit on the B1188, which has been certified complete by the Local Planning Authority.

Reason: To ensure the provision of safe and adequate means of access to 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 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 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

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: 15 July 2024

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: S106/23/1283/FUL/2024
12 March 2024

Dear Sir/Madam

**Development – HYBRID PLANNING APPLICATION SEEKING FULL PLANNING FOR USE OF LAND AS PUBLIC OPEN SPACE AND OUTLINE PLANNING PERMISSION FOR RESIDENTIAL DEVELOPMENT WITH DETAILS OF MEANS OF ACCESS (ALL OTHER MATTERS RESERVED) (NEIGHBOURHOOD PLAN SITE ALLOCATION)
Application Number – 23/1283/FUL**

Thank you for your notification of 01 March 2024, 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	4	Y	0	£0
Secondary	2	N	2	£0
Sixth-form	0	N/A	0	£0
			Total	£0

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	£0	
Secondary	£	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	14	0.3	4.2	0.1611	2.2554	0.06	0.84
Total (rounded down)	14	-	4	-	2	-	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	Digby The Tedder primary school	4	Y	0
Secondary	Sleaford St Georges Academy	2	N	2
Sixth-form	Sleaford St Georges Academy	0	N/A	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
Secondary extension	2	£26,717	£53,434	2.00	£27,251.34	£54,502.68***
Total	-	-	£53,434	-		£54,502.68

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

** 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)