

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

District: West Lindsey District Council

Application number: 148014

Application Type: FULL

Proposal: Planning application for the erection of 41no. dwellings (Use Class C3) together with ancillary garages, landscaping, drainage features, equipped and natural areas of open space, infrastructure (including access) and associated works

Location: Land to south of Legsby Road, Market Rasen, LN8 3DZ

Response Date: 24 October 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.

- **Planning Conditions** as detailed below.
 - A frontage footway (f/w) connection from the site to the existing f/w network will be required, with a suitable tactile crossing point.
 - Upgrade of the width of the existing path on the northern side of Legsby Road will be required, to achieve 1.8m, to the school access point on Legsby Road.
 - A tactile crossing point will be required, across the junction of The Ridings.

Introduction/Site Location

Full application to erect 41 residential units.

Existing Conditions

Greenfield site.

Highway safety

Development proposal does not have an unacceptable on highway safety, provided the necessary mitigation outline above is delivered as part of the application.

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.

Travel Plan

A Travel Plan is not required for this application.

Site Layout

Traditional carriageway and footway arrangement to form a large Cul-de-Sac, on plot parking provision and an area set aside for surface water attenuation, designed to adoptable highway standards.

Flood Risk and Drainage

As a greenfield site surface water run-off is unrestricted and as such the intensity of surface water discharge to the dyke fronting the site is commensurate with rainfall intensity. Development of the site includes full surface water drainage infrastructure and a strategy in line with sustainable drainage principles. Therefore, surface water run-off from the developed impermeable areas will be captured and attenuated (stored) in a cellular crate system and a balancing pond whilst a constant fixed low greenfield rate of discharge is maintained at all times.

An alternative point of discharge has been sought towards the east, alleviating the pressure on the system that currently receives discharge from the site.

Off-Site Improvements

- A frontage footway (f/w) connection from the site to the existing f/w with a suitable tactile crossing point.
- Upgrade of the width of the existing path on the northern side of Legsby Road to achieve 1.8m, to the school access point on Legsby Road.
- A tactile crossing point across the junction of The Ridings.

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 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 20

The development hereby permitted shall not be occupied before a 2m metre wide frontage footway, including a tactile crossing point, 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 the upgrade and widening of the existing footway on the northern side of Legsby Road, to achieve 1.8m in width, from the development site to the school entrance 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.

Highway Condition 21

No part of the development hereby permitted shall be occupied before the works to improve the public highway by means of a tactile crossing point across the junction of The Ridings with Legsby Road 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.

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 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 the results of evidenced groundwater levels and seasonal variations (e.g. via relevant groundwater records or on-site monitoring in wells, ideally over a 12-month period);
- 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 greenfield run off rates;
- 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 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>

Regards

Officer's Name: John Clifton

Officer's Title: Principal Development Management Officer

Date: 24 October 2024

West Lindsey 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/WLDC/148014/2024
 20 March 2024

Dear Sir/Madam

Development – PLANNING APPLICATION FOR THE ERECTION OF 41NO. DWELLINGS (USE CLASS C3) TOGETHER WITH ANCILLARY GARAGES, LANDSCAPING, DRAINAGE FEATURES, EQUIPPED AND NATURAL AREAS OF OPEN SPACE, INFRASTRUCTURE (INCLUDING ACCESS) AND ASSOCIATED WORKS
Application Number – 148014

Thank you for your notification of 15 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	16	Partial	2	£39,627
Secondary	10	N	9	£0
Sixth-form	3	N	3	£0
			Total	£39,627

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 at Market Rasen Primary School
Secondary	£ 272,513.40	N/A - CIL
Sixth-form	£ 81,754.02	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. 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
3 Bedroom	20	0.373	7.46	0.2169	4.338	0.078	1.56
4+ Bedroom	13	0.492	6.396	0.3903	5.0739	0.144	1.872
Unknown	8	0.30	2.4	0.1611	1.2888	0.060	0.48
Total (rounded down)	41	-	16	-	10	-	3

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	Market Rasen Primary School	16	Partial	2
Secondary	Market Rasen De Aston School	10	N	10
Sixth-form	Market Rasen De Aston School	3	N	3

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	10	£26,717	£267,170	2.00	£27,251.34	£272,513.40***
Sixth-form extension	3	£26,717	£80,151	2.00	£27,251.34	£81,754.02***
Total	-	-	£386,171	-		£393,894.42

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

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

*** 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 West Lindsey District Council for your continued cooperation and support.

Yours sincerely

Sam Barlow
Strategic Development Officer
Corporate Property Service

(By e-mail)