

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

District: Boston Borough Council

Application number: B/24/0177

Application Type: Full-Major

Proposal: Proposed residential development comprising 142 affordable dwellings and associated works

Location: Field adjacent to 78 Puritan Way, Land off Puritan Way, Boston, PE21 8NW

Response Date: 9 August 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: Approve with conditions

Recommendation for no objection subject to:

An objection has been raised by the Highways and Lead Local Flood Authority but if the Local Planning Authority are still minded to recommend approval, LCC would be grateful for notification via DevelopmentManagement@lincolnshire.gov.uk as to why material considerations outweigh the Highway and Lead Local Flood Authority objections, and be given an opportunity to make further representations.

- **Planning Conditions** as detailed below.

Comments:

There is no precise definition of "severe" with regards to NPPF Paragraph 109, 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 the NPPF.

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 has provided details to support a site-specific sustainable drainage system with a controlled rate of surface water run-off, and therefore the Lead Local Flood Authority does not consider that this proposal would increase flood risk in the immediate vicinity of the site.

Introduction/Site Location

This is full planning application for a development of 142 affordable houses and associated works to the north of Puritan Way, Boston – Phase 2. These homes will be developed by a local builder and state Registered Landlord and be fully 100% affordable homes. The proposal will be an extension of the recently completed dwellings off Puritan Way – Phase 1. The remaining undeveloped part of the site is currently farmland. The site is relatively flat with a rise in the land to the east. To the south of the site are the recently built houses from the previous phases

of development. The main distributor road for the area is Fenside Road to the west of the site, which provides the main route to town centre activities via regular public transport at the junction of Fenside Road. With housing located so closely to the site, the proposal forms a logical extension to the built-up area of Boston. It is noted that the land is included for development within the Southeast Lincolnshire Local Plan. The access point to the development is a continuation of Puritan Way with footpath links designed directly onto Fenside Road to the west.

Infiltration testing was also undertaken during January 2024 by GD Pickles Ltd. The testing demonstrated that the site has little to no infiltration potential, with insufficient movement of the water level during the testing to calculate an infiltration rate. No ground water was encountered during the drilling of boreholes; however, the recovered soils were wet generally 1.5m to 2.0m below ground level. During trial pit excavations water seepages were encountered at approximately 1.7m to 2.0m below ground level. Ground water levels are noted to be broadly in continuity with the adjacent River Witham and are plausibly as high as 1m below ground level. There are Anglian Water adopted surface water drainage assets located in the Southwest corner of the site. These were constructed as part of the recent development to the South to provide an outfall route for the surface water system. One of the most downstream of these chambers incorporates a flow control device, this restricts flows of the previous residential development to 3.4 litres per second. As these drainage assets are adoptable an easement either side of the pipe, 3m for 225mm diameter and 3.5m for 600mm diameter pipes, will need to be respected. The site falls within Black Sluice Internal Drainage Boards (BSIDB) District, specifically their Catchment 12 – Boston West. There is a BSIDB maintained watercourse approximately 260m from the sites Western boundary, reference 12/2. The watercourse runs adjacent to Washdyke Lane as an open drain in a West to East direction, prior to turning 90 degrees to run as an open drain in a Southerly direction. This is then culverted into the North Forty Foot Drain. The proposed surface water drainage strategy arrangement is acceptable.

Existing Conditions

Greenfield site

Highway safety

Mitigated with highway network improvements due to the proximity of the development site with the local schools and facilities within the local area and close proximity with the town centre of Boston and to promote sustainable travel, the upgrading of existing uncontrolled pedestrian crossings with tactile paving.

Site Layout

Acceptable, site estate roads will require constructing to Lincolnshire County Council's specification for formal adoption under a S38 Agreement.

Flood Risk and Drainage

Limited discharged rate and on-site drainage infrastructure with attenuation mitigates any potential issues regarding surface water flooding. Site is currently showing as not being at risk. Existing ground levels are not to be raised and interceptor drainage required to surrounding land and properties.

Off-Site Improvements

Laid out in recommended planning conditions below.

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 21

No part of the development hereby permitted shall be occupied before the works to improve the public highway by means of upgrading uncontrolled pedestrian crossing points to include tactile paving and dropped kerbs where necessary at the junctions of Puritan Way with Shaw Road and Puritan Way with Carlton Road 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 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 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 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 1.4 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 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 condition 21 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>

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 Planning Officer

Please secure a S106 sum of:

- £67,000 for the upgrading to the carriageway of Fenside Road to include the junction of Washdyke Lane for the length of 120 metres with an average width of 5.5 metres wide. Road closure plus diversion for 5 days with banksmen £3,000 and reconstruction of the carriageway to a depth of 140mm £64,000, therefore a total estimated cost £67,000. This equates to £472 approximately per dwelling.
- £350,000 for the provision of a new bus service including a bus stop within the development site. At present the current town bus service passes the southern end of Puritan way which would present quite a walk for those further into the proposed new phase of the development. Therefore, funds for an extension of the bus services to run around the circle loop thus allowing for greater access to the site, implementation of bus stops on or near the circle within the development site and, provide bus passes to enable residents easy access at the early phase of occupation to encourage use and modal shift. To extend a suitable bus service around the new estate and offer reasonable access to residents, the cost would be approximately £65,000 per annum to achieve. When extending new bus services, it takes time to grow patronage and revenue, therefore a cost of £195,000 is requested to cover 3 years of operation of the new / diverted route. In addition to this, the cost of an annual bus pass per individual is £1080 – as such, we ask for £155,000 in order to provide 1 x 12 month pass per household to be used on the local bus service as this will assist with encouraging modal shift in the area. Creation of stops should be done as the development is built and as such costings here are likely to be negligible, it currently costs £850 to put in a bus stop on existing highway, however if it placed as part of the build-out then it would simply be the cost of materials which is less than £200 per stop. A total on this development for public transport is £350,000 which equates to just under £2,500 per dwelling.

The applicant is required to consult with Lincolnshire County Council Transportation and local highways officer with regards the provision of the bus stops and service and highway improvements within the site and on Fenside Road.

Officer's Name: Dean Whitehead

Officer's Title: Senior Development Management Officer

Date: 9 August 2024



Lincolnshire
FIRE & RESCUE

Fire and Police Headquarters
Deepdale Lane
Nettleham
Lincoln
LN2 2LT
Tel: 01522 555777
www.lincolnshire.gov.uk/lfr

My Ref: ZB
Your Ref: B/24/0177

Head of Planning
Boston Borough Council
Municipal Buildings
West Street
Boston
PE21 8QR

For the attention of Ian Carrington

Sent by email to HighwaysSUDsSupport@lincolnshire.gov.uk

9 May 2024

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING CONSULTATION: PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING 142 AFFORDABLE DWELLINGS AND ASSOCIATED WORKS

LOCATION: FIELD ADJ TO 78 PURITAN WAY, LAND OFF PURITAN WAY, BOSTON, PE21 8NW

I refer to the planning application reference B/24/0177. The Fire Authority object to the application on the grounds of water supply. It is the opinion of the Fire Authority that in order to remove the objection the following measures are required.

Lincolnshire Fire and Rescue recommends that fire hydrants be installed within this development at the developer's expense in accordance with Approved Document B, Part B5. However, it is not possible, at this time, to determine the number of fire hydrants required for fire-fighting purposes. The requirement will be determined at the water planning stage when site plans have been submitted by the water companies. Fire hydrants should conform to BS750-2012 and acceptance testing will be carried out by a Hydrant Inspector on completion. Following adoption the Fire Service will be responsible for the ongoing maintenance and repairs for the lifetime of the fire hydrant(s). The Hydrant Inspector will fix a standard yellow "H" hydrant marker plate nearby. Lincolnshire Fire and Rescue would accept a suitable and sufficient provision and siting of private fire hydrants conforming to BS9990. Reference may also be given to BS9999:2017 Section 22, 'Water supplies for fire and rescue service use'.

Should you wish to discuss this matter, please do not hesitate to contact me on the telephone number below.

Yours faithfully

Zoe Brown

Lincolnshire Fire and Rescue

Fire Safety Inspector

Telephone: 01522 553868

Email: fire.safety@lincolnshire.gov.uk

Joshua Frost

Fire Safety Supervisor

Email: fire.safety@lincolnshire.gov.uk

Tel : 01522 553868

cc: LFRWaterManagement@lincolnshire.gov.uk

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

My Ref: S106/BBC/B/24/0177/2024
 02 May 2024

Dear Sir/Madam

**Development – Proposed Residential Development Comprising 142 Affordable Dwellings and Associated Works at Field adj to 78 Puritan Way, Land off Puritan Way, Boston, PE21 8NW
 Application Number – B/24/0177**

Thank you for your notification of 30 April 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	36	Yes	0	£ 0
Secondary	17	No	17	£ 463,272.78
Sixth-form	6	No	6	£ 163,508.04
			Total	£ 626,780.82

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	£463,272.78	Education provision in Boston Secondary planning area
Sixth-form	£163,780.04	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	80	0.225	18	0.0785	6.28	0.032	2.56
3 Bedroom	37	0.373	13.801	0.2169	8.0253	0.078	2.886
4+ Bedroom	9	0.492	4.428	0.3903	3.5127	0.144	1.296
Total (rounded down)	126	-	36	-	17	-	6

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 and Boston East primary planning area	36	Yes	0
Secondary	Boston Secondary planning area	17	No	17
Sixth-form	Boston Secondary planning area	6	No	6

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	17	£26,717	£454,189	2.00	£27,251.34	£463,272.78
Sixth-form extension	6	£26,717	£160,302	2.00	£27,251.34	£163,508.04
Total	-	-	£614,491	-		£626,780.82

*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)