

APPLICATION NO	PA/2022/754
APPLICANT	Mr Christopher Smith, Shape Land & Property
DEVELOPMENT	Planning permission to erect a two-storey building consisting of 20 affordable homes (including demolition of existing public house)
LOCATION	29 Gloucester Avenue, Scunthorpe, DN16 2EA
PARISH	Scunthorpe
WARD	Kingsway with Lincoln Gardens
CASE OFFICER	Rebecca Leggott
SUMMARY RECOMMENDATION	Subject to a Section 106 agreement, grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Nigel Sherwood & Cllr Tony Gosling – significant public interest)

POLICIES

National Planning Policy Framework:

Chapter 2: Achieving sustainable development

Chapter 4: Decision-making

Chapter 5: Delivering a sufficient supply of homes

Chapter 8: Promoting healthy and safe communities

Chapter 9: Promoting sustainable transport

Chapter 11: Making effective use of land

Chapter 12: Achieving well-designed places

Chapter 15: Conserving and enhancing the natural environment

North Lincolnshire Local Plan:

Policy H5: New Housing Development

Policy H8: Housing Design and Housing Mix

Policy H10: Public Open Space Provision in New Housing Development

Policy T1: Location of Development

Policy T2: Access to Development

Policy T6: Pedestrian Routes and Footpaths

Policy T19: Car Parking Provision and Standards

Policy DS1: General Requirements

Policy DS7: Contaminated Land

Policy DS14: Foul Sewage and Surface Water Drainage

Policy DS16: Flood Risk

North Lincolnshire Core Strategy:

Policy CS1: Spatial Strategy for North Lincolnshire

Policy CS2: Delivering more Sustainable Development

Policy CS5: Delivering Quality Design in North Lincolnshire

Policy CS7: Overall Housing Provision

Policy CS8: Spatial Distribution of Housing Sites

Policy CS9: Affordable Housing

Policy CS17: Biodiversity

Policy CS18: Sustainable Resource Use and Climate Change

Policy CS19: Flood Risk

Policy CS22: Community Facilities and Services

Policy CS23: Sport, Recreation and Open Space

Policy CS25: Promoting Sustainable Transport

Policy CS27: Planning Obligations

Housing and Employment Land Allocations DPD:

Policy PS1: Presumption in Favour of Sustainable Development

CONSULTATIONS

Anglian Water: No comments to make.

Highways: No objections to the proposals subject to conditions relating to parking, turning and access, and boundary features. A standard informative has also been advised.

Environment Agency: No comments to make.

Historic Environment Record: No objections to the proposed development.

Humberside Fire and Rescue: No objections subject to the development including hardstanding providing for a minimum carrying capacity of 24 tonnes and adequate provision of water supplies for fire-fighting.

Environmental Protection: No objections to the proposed development subject to conditions relating to site investigation, remediation, verification and unexpected contamination; working hours; submission of a CEMP; and electric vehicle charging.

Education: No objections to the proposed development as the proposed scheme is for all affordable units and therefore education contributions will not be sought as per SPG8 guidance.

Section 106 Officer: No objections in principle. In summary confirms that a S106 agreement will be required to secure the affordable units and management of the open space.

Recycling Officer: No objections, but sets out a list of standard requirements for waste and recycling.

Drainage (Lead Local Flood Authority): No objections in principle subject to conditions requiring the submission of a detailed surface water drainage strategy, compliance with the approved details, a detailed drainage strategy for surface water from the highway, and compliance with the approved details. A standard informative has also been advised.

NHS North Lincolnshire CCG: No objections to the principle of development subject to contributions.

The NHS would like to request consideration of Section 106 funding...

Scunthorpe has multiple surgeries in close proximity to the proposed development, including Oswald Road Medical Surgery, Church Lane Medical Centre, The Oak Medical Practice, The Birches Medical Practice, Cedar Medical Practice and Ancora Medical Practice. These surgeries are already under pressure due to space limitations, therefore any increase in new housing is likely to impact on requests for new patient registrations, potentially increasing the list size and demand for clinical services.

The NHS suggest the methodology used to determine a suggested amount of S106 funding is used from the Local Plan Housing and Primary Care Analysis, which uses a rate of £723.16 per dwelling:

$£723.16 \times 20 \text{ housing units} = £14,463.20.$

Should the 106 funding be successful, it would be used to potentially increase space for the delivery of primary care services and wider community services, which will benefit local patients.

Whilst the proposal is one housing development in the local area, the cumulation of all new housing proposed will add to the pressure already faced by the nearby practices. It is hoped this request is reasonable at the scale in relation to this application.

[Since the aforementioned comments were received, discussions have taken place between the Section 106 Officer and the NHS. These discussions clarified that the scheme is for all affordable units and therefore contributions cannot reasonably be sought.]

PUBLICITY

A site notice has resulted in over 250 letters of objection being received, with one letter of support. In summary the letters of objection raise concerns over the following:

- The properties are not affordable.
- Objections to more private housing being built – these should be council houses that young people can afford.
- The proposals will just become another run-down eyesore.
- Local creative venues and community assets such as this music venue and pub should be kept open to help strengthen communities.
- Scunthorpe needs more community venues such as pubs, clubs and libraries, not less.
- The existing pub on site is a part of Scunthorpe's history and was voted third best small music venue in the UK a few years ago.
- Break The Stigma support groups are held at the existing venue.
- The proposed new housing isn't required as there are already empty properties in and around Scunthorpe. Kwik Save near to the site could be used.
- The application form incorrectly states that the public house is unused.
- The proposals will subtract from services available to the local community whilst placing further stress from higher demand on existing services.
- Concerns it is illegal to knock down a licensed premises that is still ongoing and running an established business.

Objections have also been received from the Music Venue Trust and the Friends of Jubilee Park as a result of publicity. These are as follows:

The Music Venue Trust: Object to the demolition of the grassroots music venue:

The land which is under consideration for this application contains a fully-functioning grassroots music venue and pub, The Lincoln Imp. The land is therefore not dormant or unused, far from it, and any application to demolish the Lincoln Imp to make way for development would be contributing to the permanent closure of an existing and functioning grassroots music venue.

This planning application in its current format would lead to the demolition of a much-loved grassroots music venue, The Lincoln Imp. The Agent of Change principle makes it clear that the responsibility for mitigating the impact of any proposed new development on existing businesses falls to the party that is the agent of change. In this case, the agent of change would be the developers wishing to redevelop the existing venue. The application if permitted would lead to the permanent loss of an existing grassroots music venue which runs contrary to the intention of the Agent of Change policy. The application if approved would therefore knowingly deprive the local community of a much-loved venue without providing any provisions for the creation of a like-for-like venue to mitigate this impact. This

would result in a direct loss for the local area and as a result the application fundamentally undermines the Agent of Change principle.

In my experience, once a grassroots music venue closes, it is not easily replaced by a similar venue without significant financial intervention and commitment from the local community and council working together. Careful consideration must be made to this point. The application in its current format should be rejected until such a time as the developers agree on plans to mitigate the impact of any proposed development on the continued function of The Lincoln Imp as a grassroots music venue.

The Friends of Jubilee Park: The Friends of Jubilee Park have raised objections to the proposed development due to the loss of another vital community asset in the Lincoln Imp public house and music entertainment venue. The area benefits more from having a community facility than a housing development.

STATEMENT OF COMMUNITY INVOLVEMENT

No statement of community involvement has been submitted with this application.

ASSESSMENT

Planning history

- 6/1984/0183: Planning permission to erect a 2.175m high wall and form a beer garden – approved 19/09/1984.
- 6/1989/0088: Planning permission to carry out alterations and extensions to an existing public house – approved 11/04/1989.
- PA/2007/0840: Planning permission to erect a detached smokers' shelter to the rear of the public house – approved 29/06/2007.
- 6A/1974/0998: Consent to display an illuminated sign – approved 29/03/1974.
- PA/2015/0491: Planning permission to convert an existing window to a new door – approved 16/06/2015.

Site characteristics

The application site is within the defined development limits of Scunthorpe which is the Major Sub-regional Town as defined within the Core Strategy. The site is also within Flood Zone 1 (North and North East Lincolnshire SFRA 2011).

The application site fronts the highway, Gloucester Avenue. To the north is a terrace of three-storey residential properties, to the east are several convenience stores with residential flats on the first and second floors, to the south is the highway Beechway, and to the west are residential properties and a site currently under construction for a complex care children's home (PA/2022/66). The site currently consists of a public house, the Lincoln Imp. It is noted from the application form and a site visit that this is not currently vacant and is in use.

Proposal

Planning permission is sought to erect a two-storey building consisting of 20 affordable homes (including the demolition of the existing public house).

The main issues in the determination of this application are:

- **principle of development**
- **loss of community facilities**
- **design and impact on the character and form of the area**
- **impact on residential amenity**
- **impact on highways**
- **flood risk and drainage**
- **contaminated land**
- **affordable housing**
- **planning obligations.**

Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the North Lincolnshire Local Plan (NLLP) which was adopted in May 2003, the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011 and the Housing and Employment Land Allocations (HELA) DPD which was adopted in March 2016. Material considerations exist in the form of national planning policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising the Planning Practice Guidance (PPG).

The site is within the development boundary for Scunthorpe, where residential development is generally acceptable in principle, and is in a highly sustainable location within walking and cycling distance of a range of local facilities, services and employment opportunities. The site is also close to a number of bus stops and public transport options.

Policy CS1 of the NLCS identifies Scunthorpe as being the Major Sub-regional Town, which will be the focus for the majority of new development and growth, including housing, employment, retail, sustainable transport links, and higher order services and facilities to serve North Lincolnshire. Policy CS1 confirms that 'High quality, well designed new housing will be provided on a range of previously developed sites within the urban area followed by a greenfield urban extension with a focus on areas to the west of the built up area. During the plan period Scunthorpe should contribute around 9,892 new dwellings.'

Policy CS8 further sets out that there is a requirement to deliver 82% of all new dwellings in and adjacent to the urban area, equating to 9,892 new dwellings. These figures are a minimum target and do not form a maximum threshold for the delivery of housing, which

would run contrary to the provisions of the National Planning Policy Framework which seeks to significantly boost the supply of housing. Therefore, development plan policy confirms the view that Scunthorpe is a sustainable settlement with the key facilities, services, employment opportunities and regular public transport to support new housing development.

Policy CS7 of the Core Strategy sets out an aspirational minimum density of 40–45 dwellings per hectare on sites within Scunthorpe (excluding the town centre). However, this policy also states that whilst housing developments should make efficient use of land, the density of new developments should be in keeping with the character of the area. The proposed development of 20 dwellings results in a density of approximately 129 dwellings per hectare, which falls above the minimum density sought by policy CS7 (40–45 dwellings per hectare).

Policy CS9 of the Core Strategy sets out the requirements for affordable housing along with the council's interim affordable housing policy. The proposal is for all 20 units to be for affordable rent and secured in perpetuity through a section 106 agreement. In this case the proposed development is a 100% affordable housing scheme and will align with policy CS9.

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 10 of the NPPF states that, 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.' Paragraph 11(d) of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, relevant policies which were most important to determining the application should not be considered up to date.

A recent appeal decision dated 20 July 2022 (planning ref no PA/2020/554) has been issued where the Inspector has concluded that the council does not currently have a five-year housing land supply of deliverable sites. The council's Five-Year Housing Land Supply Position Statement is awaiting an update and as such any decisions made by the planning authority will take account of the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF. The current local policies which are most important for determining the application will carry reduced weight during this period.

National Planning Practice Guidance paragraph 008 states that, in decision-taking, if an authority cannot demonstrate a five-year housing land supply, including any appropriate buffer, the presumption in favour of sustainable development will apply, as set out in paragraph 11d of the National Planning Policy Framework.

Given the current five-year land supply deficit, it is considered that there is a clear and demonstrable need for housing development in the area. Accordingly, the 'tilted balance' in paragraph 11 of the NPPF is triggered, whereby there is a presumption in favour of sustainable development and development proposals should be approved unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

There are three dimensions to sustainable development as set out in paragraph 8 of the Framework: economic, social and environmental.

Whilst the restrictive policies of the development plan (CS2, CS3 and CS8) do still apply, the lack of a five-year supply of housing land and the scale of the shortfall limit the weight which can be attributed to these policies. Restricting development to land within development limits, if strictly applied, would severely affect the ability of the authority to address the need for housing. In determining the sustainability of the proposed development, an assessment not only relies upon planning principle but also whether the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or if any adverse impacts exist that would significantly and demonstrably outweigh the benefits of the proposal.

This proposal seeks to erect a two-storey building consisting of 20 affordable homes (including the demolition of the existing public house). The inability to demonstrate a five-year supply of land for housing means that the council's planning policy relating to housing remains silent. There is clearly a balance to the decision (in relation to the demolition of the public house) and the proposal should be approved unless the adverse impacts 'significantly and demonstrably' outweigh the benefits. In determining the principle and sustainability of the proposed development, an assessment is required on the technical elements of the proposal which will be discussed below.

Loss of community facilities

The Localism Act 2011 introduced provisions to help communities safeguard land and buildings for a community purpose. The Lincoln Imp was registered on 4 July 2022 as an asset of community value (ACV). In terms of the weight given to this as part of the planning assessment there is local policy which considers the loss of community facilities as well as the NPPF (paragraph 93). The assessment of the proposal against these policies therefore reflects its status as a community asset.

Furthermore, policy CS22 of the Core Strategy, which deals with community facilities and services, states, 'The loss of community facilities or land allocated for such purposes will be resisted, unless there is no longer a need for the land or building in any form of community use, or there is an acceptable alternative means of meeting such need.' Both of the above criteria are reinforced by paragraph 93 of the NPPF.

There are a large number of public houses, clubs and music venues within Scunthorpe. The closest public house is under a 10-minute walk away from the application site. Furthermore, the application site is approximately a 30-minute walk away from the centre of Scunthorpe with a regular 10-minute bus journey also available.

The applicant has submitted a Site Viability Report, April 2022. In summary, 'P&L forecasts only a minor profit before rent, even assuming zero rated business rates, which is currently in place as part of government concessions. Once this is lifted profitability will reduce further. It is our belief that this pub is no longer commercially viable for a tenant or the pub company. To apply a rent to the business would further negate any profit for the tenant.' Furthermore, the applicant has marketed the existing property and has received no interest to date.

Policy CS22 of the Core Strategy states that [loss will be resisted unless] there is no longer a need for the land or building in any form of community use, or there is an acceptable

alternative means of meeting such need. Paragraph 93(c) of the NPPF states that '[policies and decisions should]...guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.'

The submitted Site Viability Report and sales documents show that the facility is unviable. Furthermore, other facilities are available within the locality which can meet the day-to-day needs of local residents. It is therefore considered that the proposal is in accordance with policy CS22 of the Core Strategy and paragraph 93 of the NPPF, as the loss of the community asset is offset by other facilities in the area as well as it being proved to be unviable.

Design and impact on the character and form of the area

Core Strategy policy CS5 (Delivering Quality Design in North Lincolnshire) states, '...all new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place. The council will encourage contemporary design, provided that it is appropriate for its location and is informed by its surrounding context. Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.'

The proposal would involve the erection a two-storey building consisting of 20 affordable homes. The surrounding area mainly consists of residential development of two and three storeys in height. Overall, the surrounding area consists of a variety of buildings of different massing, materials, and design.

The materials to be used in the proposed extension are as follows:

- Walls: Red facing bricks with black brick banding details
- Roofing: Grey concrete tiled roof
- Windows: Mid Grey UPVC
- Doors: Mid grey composite with vision panels.

Having considered the materials, the proposals are considered acceptable. Furthermore, it is noted that the proposals would be two storeys in height to a maximum ridge height of 9.23 metres.

In terms of scale, siting and design, the proposals are for a replacement building. Whilst it is noted that the new building would be larger in footprint and height, given the large plot the proposals would not represent an over-development of the site. The proposals would provide a new building on site of a better-quality design contributing to the overall character and interest of the area. The proposed development would provide much needed affordable housing which is considered to be a public benefit.

On balance, it is considered that the proposal would be acceptable in terms of impacts on the character and appearance of the area and complies with policy CS5 of the Core Strategy.

Impact on residential amenity

Policy DS1 is partly concerned with impacts upon residential amenity. It states, 'no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.'

Due to the massing, separation distances and orientation of the proposed building. The proposals are not considered to have any impacts on surrounding properties in respect of overlooking or overshadowing.

It is noted that the proposals may introduce more people and movement to the area. However, the site is currently used as a public house and music venue within an existing built-up residential area of Scunthorpe. Therefore, the proposals are considered to reduce any impacts on residential amenity compared to the existing use.

Overall, the proposals are not considered to have any adverse impacts on the residential amenity of neighbouring properties.

Highways

Policy T1 of the North Lincolnshire Local Plan is concerned with the location of development and aligns with the spatial strategy of the Core Strategy. Policy T2 states that all proposals should be provided with a satisfactory access. Policy CS19 relates to car parking provision and standards, and in summary requires developments which result in additional parking needs to incorporate proposals to fully meet that demand. Policy CS25 of the Core Strategy is also relevant and seeks to support and promote a sustainable transport system in North Lincolnshire that offers a choice of transport modes and reduces the need to travel through spatial planning and design and by utilising a range of demand and network management tools.

The council's Highways department has been consulted and does not object to the proposed development subject to a number of conditions. The proposals are within Scunthorpe which is a highly sustainable location not requiring parking provision. However, it is noted that the proposals provide for 20 parking spaces on site which is considered acceptable.

Overall, it is considered that the proposal is in accordance with policies T1 and T2 of the North Lincolnshire Local Plan, and policies CS19 and CS25 of the Core Strategy.

Flood risk and drainage

Policies DS16 of the North Lincolnshire Local Plan, CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 166 and 167 of the NPPF are considered highly relevant.

Policy CS19 (this policy sits alongside DS16 of the local plan) is concerned with flood risk and states that the council will support development proposals that avoid areas of current or future flood risk, and which do not increase the risk of flooding elsewhere. This will involve a risk-based sequential approach to determine the suitability of land for development that uses the principle of locating development, where possible, on land that has a lower flood risk, and relates land use to its vulnerability to flood.

The site is within Flood Zone 1 of the North Lincolnshire Strategic Flood Risk Assessment. The proposal is for 'more vulnerable' development; however, given the proposals are within Flood Zone 1, no sequential test is required. Therefore, the proposals are acceptable in respect of flood risk.

The applicant intends to use mains drainage for the disposal of foul and surface water, which is considered acceptable, with no objections raised by the Lead Local Flood Authority or Anglian Water subject to a number of conditions.

Therefore, the proposal is considered to comply with policies DS16 of the North Lincolnshire Local Plan, CS19 of the Core Strategy and the National Planning Policy Framework in terms of flood risk.

Contaminated land

Policy DS7 of the North Lincolnshire Local Plan is concerned with contaminated land. It states that permission will only be granted on contaminated sites where a detailed site survey has been submitted, and a suitable scheme of remedial measures has been agreed to overcome any existing contamination.

Paragraph 178 of the NPPF states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

The application is supported by a planning application form which details that the site is not known to be contaminated. The planning application form sets out that the proposed use would be vulnerable to the presence of contamination, which is agreed as the proposed use of the site would be for residential purposes.

Comments have been sought from the Environmental Protection team, who have raised no objections subject to a number of standard conditions.

Air quality

Policy CS18 of the North Lincolnshire Core Strategy is concerned with sustainable resource use and climate change. Its purpose is to promote development that utilises natural resources as efficiently and sustainably as possible. Two points of this policy are relevant:

- (10) ensuring development and land use helps to protect people and the environment from unsafe, unhealthy and polluted environments, by protecting and improving the quality of the air, land and water; and
- (12) supporting new technology and development for carbon capture and the best available clean and efficient energy technology, particularly in relation to the heavy industrial users in North Lincolnshire, to help reduce CO2 emissions.

Policy DS11 of the North Lincolnshire Local Plan is concerned with polluting activities. This states that proposals will only be permitted where it can be demonstrated that the levels of potentially polluting emissions do not pose a danger by way of creating adverse environmental conditions likely to affect nearby developments and adjacent areas.

Paragraph 186 of the NPPF states, '...decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into

account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas.'

The council's Environmental Health department have assessed the proposal and have proposed a condition that, prior to development, a scheme for electric vehicle charging points shall be submitted to and agreed in writing with the local planning authority. The request is considered to be in accordance with the above policy requirements and will be attached to any permission to mitigate the impact upon air quality generated by the development. It is considered that the imposition of this condition would not only satisfy policy CS18 of the Core Strategy, but also DS11 of the local plan by making a positive impact upon the reduction of polluting activities.

Having regard to the above, it is considered that the proposal would not have an adverse impact on air quality. Subject to the aforementioned conditions, the proposal is in accordance with policies CS18 of the North Lincolnshire Core Strategy, DS11 of the North Lincolnshire Local Plan and paragraph 186 of the NPPF.

Noise

Policy DS1 of the North Lincolnshire Local Plan is concerned with the general requirements of developments. In respect of amenity, policy DS1 advises that proposals should be refused if they result in an unacceptable loss of amenity to neighbouring land uses in terms of noise.

Policy DS11 of the North Lincolnshire Local Plan is concerned with polluting activities and states that proposals will only be permitted where it can be demonstrated that the levels of noise do not pose a danger by way of creating adverse environmental conditions likely to affect nearby developments and adjacent areas.

Paragraph 185 of the NPPF states that proposals should 'mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.'

The council's Environmental Protection team have assessed the proposals and have proposed conditions that require limited working hours for construction and demolition and also the submission of a construction environmental management plan (CEMP). The request is considered to be in accordance with the above policy requirements and will be attached to any permission to mitigate impact from noise generated by the development.

Having regard to the above, it is considered that the proposals would not have an adverse impact resulting from noise. Subject to the aforementioned conditions, the proposal is in accordance with policies DS1 and DS11 of the North Lincolnshire Core Strategy and paragraph 185 of the NPPF.

Cultural heritage

The site is neither within nor adjacent to a conservation area and there are no listed buildings adjacent to the site. In terms of archaeology the applicant has submitted a heritage statement incorporating a photographic record of the Lincoln Imp public house in accordance with the HER's pre-application advice. No further building recording or archaeological work is required at this site and there are no objections to the demolition from the HER officer. As a result, the proposal will have no impact on cultural heritage and the proposal aligns with the relevant policies of the NLLP and Core Strategy.

Affordable housing

Core Strategy policy CS9 and the accompanying Affordable Housing Supplementary Planning Document (SPD) sets out the affordable housing policy context for North Lincolnshire.

Policy CS9 outlines that schemes of 15 or more dwellings in the Scunthorpe urban area, 5 or more dwellings in market towns and 3 or more dwellings in rural settlements must make provision for an element of affordable housing. This policy seeks 20% affordable housing in the Scunthorpe urban area and market towns and 10% affordable housing in rural settlements. Policy CS9 allows for off-site contributions where affordable units cannot reasonably be provided on site in line with criteria (a) and (b) of policy CS9.

This application proposes the erection of 20 dwellings within the defined development limits of Scunthorpe. As such 20% affordable housing is required on site.

The Design and Access Statement provides that this scheme is for 100% affordable housing. It is noted that all 20 units will be one-bedroomed affordable units. The units will be for affordable rent and will be secured in perpetuity within the S106 Agreement. Overall, the proposals comply with policy CS9 of the Core Strategy.

Having had regard to the above, the proposals are considered acceptable in respect of affordable housing and accord with policy CS9 of the Core Strategy.

Planning obligations

Policy CS27 is concerned with planning obligations and states that where a development proposal generates an identified need for additional infrastructure, North Lincolnshire Council will, through the negotiation of planning obligations pursuant to Section 106 of the Town & Country Planning Act 1990 and in accordance with guidance set out in Circular 05/2005, seek obligations that are necessary to make proposals acceptable in planning terms. The tests for planning obligations are set out in Part 11, section 122 of the Community Infrastructure Levy Regulations 2010 (as amended). It states:

- (2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—
 - (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.

The legal test is also set out in planning policy under paragraph 57 of the National Planning Policy Framework 2021. The heads of terms for the developer contributions are set out below.

Public open space

Public open space and leisure policy H10 of the North Lincolnshire Local Plan is concerned with public open space. It states, '(i) ...New housing developments on allocated and windfall sites of 0.5ha or more will be required to provide recreational open space on a

scale, and in a form, appropriate to serve the needs of residents.’ This is reinforced by policy CS23 of the North Lincolnshire Core Strategy.

Public open space, by way of a landscaped area, is to be provided on site. The proposals provide for 10sqm of public open space per dwelling. This is considered acceptable, and the use, maintenance and management of this space can be secured within an S106 Agreement.

Biodiversity net gain

The S106 Officer also advises that biodiversity net gain may need to be secured through the S106 should off-site contributions be required. However, since these comments were received discussions have taken place with the S106 Officer. In summary, no biodiversity net gain contributions are required given this can clearly be met on site through the proposed tree planting and secured by way of condition.

Education and health

Furthermore, as the scheme is fully affordable no health or education contribution is sought for this scheme.

Obligations summary

The proposed on and off-site contributions are considered to be CIL compliant as well as policy compliant. The proposal would therefore align with policies CS9 and CS23 of the North Lincolnshire Core Strategy, and policy H10 of the North Lincolnshire Local Plan. The heads of terms are for affordable housing and public open space only.

Conclusion

Planning permission is sought to erect a two-storey building consisting of 20 affordable homes (including demolition of existing public house). The application is acceptable in principle and in respect of loss of community assets, design and impact on the character and appearance of the area, impact on residential amenity, impact on highway safety, flood risk and drainage, and contaminated land, and is therefore recommended for approval subject to the conditions outlined in this report. The pre-commencement conditions and heads of terms set out below have been agreed with the applicant.

Heads of terms

Affordable housing

Number of dwellings or commuted sum	All 20 units
Product type	Affordable rent Affordable units to be retained in perpetuity

Open space

On-site open space	10 sqm per dwelling
Trigger point	Open space to be laid prior to occupation of the 1st unit
Management	To be managed by registered provider

RECOMMENDATION

Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 providing for affordable housing and the maintenance and management of public open space on site, the committee resolves:

- (i) it is mindful to grant permission for the development;**
- (ii) the decision be delegated to the Development Management Lead upon completion of the obligation;**
- (iii) if the obligation is not completed by 24 February 2023 the Development Management Lead be authorised to refuse the application on grounds of no affordable housing and no recreational open space; and**
- (iv) the permission so granted be subject to the following conditions:**

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans:

- Proposed Site Location Plan – RBA_214_(2-)_A003 P01
- Proposed Site Plan – RBA_214_(2-)_A004 REV P02
- Compliance Diagram – RBA_214_(2-)_A005 REV P02
- Bin Strategy Layout – RBA_214_(2-)_A007 REV P01
- Proposed Floor Plans – RBA_214_(2-)_A101 REV P01
- Proposed Elevations – RBA_214_(2-)_A102 REV P01.

Reason

For the avoidance of doubt and in the interests of proper planning.

3.

Prior to any works above slab level, details of all external materials to be used in the construction of the dwellings shall be submitted to and agreed in writing with the local planning authority.

Reason

To protect the character and appearance of the area.

4.

No development shall commence above slab level until a full specification of all proposed tree planting has been submitted to and approved in writing by the local planning authority. The specification shall include the quantity, size, species, and positions or density of all trees to be planted, how they will be planted and protected, and the proposed time of planting. The tree planting shall be carried out in accordance with the approved specification.

Reason

In the interest of tree protection and to ensure no net loss of biodiversity on site.

5.

If, within a period of five years from the date of planting, any tree (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree within two months of being requested to do so by the local planning authority.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy.

6.

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

Part 1: Site Characteristics

A Phase 1 desk study shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the local planning authority for approval prior to proceeding to further site investigation. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;

- (ii) an assessment of the potential risks to:
- human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes;
 - adjoining land;
 - groundwaters and surface waters;
 - ecological systems;
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and a proposal of the preferred option(s). This must be conducted in accordance with Environment Agency's Land Contamination Risk Management (LCRM) guidance October 2020.

Part 2: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part 3: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks' written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the local planning authority.

Part 4: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

Reason

To ensure the site is safe for future users and construction workers.

7.

Construction, demolition and site clearance operations shall be limited to the following days and hours:

- 8am to 6pm Monday to Friday

- 8am to 1pm on Saturdays.

No construction, demolition or site clearance operations shall take place on Sundays or public/bank holidays.

HGV movements shall not be permitted outside these hours during the construction phase without prior written approval from the local planning authority.

Installation of equipment on site shall not be permitted outside these hours without prior written approval from the local planning authority.

Reason

To protect residential amenity.

8.

No stage of the development hereby permitted shall commence until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:

Noise and vibration: The CEMP shall set out the particulars of –

- (a) the works, and the method by which they are to be carried out;
- (b) the noise and vibration attenuation measures to be taken to minimise noise and vibration resulting from the works, including any noise limits;
- (c) a scheme for monitoring the noise and vibration during the works to ensure compliance with the noise limits and the effectiveness of the attenuation measures.

Light: The CEMP shall set out the particulars of –

- (a) specified locations for contractors' compounds and materials storage areas;
- (b) areas where lighting will be required for health and safety purposes;
- (c) location of potential temporary floodlights;
- (d) identification of sensitive receptors likely to be impacted upon by light nuisance;

- (e) proposed methods of mitigation against potential light nuisance, including potential glare and light spill, on sensitive receptors.

Dust: The CEMP shall set out the particulars of –

- (a) site dust monitoring, recording and complaint investigation procedures;
- (b) identification of receptors and the related risk of dust impact at all phases of the development, including when buildings and properties start to be occupied;
- (c) provision of water to the site;
- (d) dust mitigation techniques at all stages of development;
- (e) prevention of dust track out;
- (f) communication with residents and other receptors;
- (g) a commitment to cease the relevant operation if dust emissions are identified either by regular site monitoring or by the local authority;
- (h) a 'no burning of waste' policy.

Reason

To protect residential amenity.

9.

A scheme for the provision of electrical vehicle charging points shall be submitted to and approved in writing by the local planning authority. The scheme shall be designed to take account of good practice guidance as set out in the Institute of Air Quality Management Land Use Planning and Development Control (<http://www.iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf>) and contemporaneous electrical standards, including:

- Electrical Requirements of BS7671:2008
- IET Code of Practice on Electrical Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7.

The approved scheme shall be installed in full and retained in perpetuity thereafter.

Reason

To facilitate the uptake of low emission vehicles and reduce the emission impact of traffic arising from the development in line with the National Planning Policy Framework.

10.

The proposed new dwellings shall not be occupied until the vehicle access to the development, and the vehicle parking and turning areas, have been completed in accordance with the approved details. Once complete the vehicle parking, turning and servicing areas shall be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

11.

The proposed boundary features, including any foundations, shall be constructed as per approved details and shall not be constructed within the limits of the adopted highway.

Reason

In the interests of highway safety and to comply with policies T2 of the North Lincolnshire Local Plan.

12.

The development shall not be brought into use until cycle parking has been provided in accordance with details submitted to and approved in writing by the local planning authority. Once completed, this facility shall be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

13.

No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100-year critical storm (including an allowance for climate change which should be based on the current national guidance) will not exceed the run-off from the existing site. It shall also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development so that flood risk, both on and off the site, is not increased. SuDS must be considered. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, focusing on above-ground solutions.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

14.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 13 above, completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

15.

No development shall take place until details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have been approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

16.

No development shall take place until details showing an effective method of preventing surface water run-off from the highway onto the developed site have been submitted to and approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

Informative 1

This application must be read in conjunction with the relevant Section 106 Agreement.

Informative 2

Access for the Fire Service:

It is a requirement of Approved Document B5, Section 15 Commercial Properties or B5, Section 13 for Domestic Premises that adequate access for firefighting is provided to all buildings or extensions to buildings. Where it is a requirement to provide access for high reach appliances, the route and hard standing should be constructed to provide a minimum carrying capacity of 24 tonnes.

Water supplies for fire-fighting:

Adequate provision of water supplies for fire-fighting appropriate to the proposed risk should be considered. If the public supplies are inadequate, it may be necessary to augment them by the provision of on-site facilities. Under normal circumstances hydrants for industrial unit and high-risk areas should be located at 90m intervals. Where a building

which has a compartment of 280m² or more in area is being erected more than 100m from an existing fire hydrant, hydrants should be provided within 90m of an entry point to the building and not more than 90m apart. Hydrants for low risk and residential areas should be located at intervals of 240m.

Informative 3

The LLFA Drainage Team no longer permit the use of connected private surface water drainage systems which are reliant on one outfall/property owner, unless a robust adoption and maintenance plan is produced and made known to all property owners. The reliance on one owner to maintain a drainage system, if not maintained, can cause civil and legal disputes moving forward with several neighbouring properties. It is not a good solution unless it is a public sewer and adopted by the water company. Other local authorities are also adopting this approach.

Informative 4

The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- (i) before ANY construction works take place within the limits of the highway you **MUST** contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued; and
- (ii) before ANY service (utility) connections take place within the limits of the highway you **MUST** contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

Informative 5

Bin storage capacity:

Due to the number of potential residents, the property requires a minimum of four 1100 general waste wheeled bins, three 1100 plastic card and cans wheeled bins, two 240 glass wheeled bins and one 240 paper wheeled bin.

Please note that charges for the containers will apply and notice of at least six weeks would be required to ensure stock of the relevant containers.

Refuse and recycling storage:

- The council requires signs to be provided to inform residents where storage areas for non-recyclable waste and recyclable materials are located, with signs placed in a suitable prominent position to clearly identify the bin storage area. The branding and the message placed on signs will be provided by the council.
- To enable occupants to manage their non-recyclable waste and recyclable materials, developers should provide the necessary internal storage space for the separation of non-recyclable waste and recyclable materials into three separate containers, prior to the transfer of that material to an external bin.

- Bin storage areas should be sensitively located and designed so that they accommodate the residents' bins. Communal bin stores should be laid out in a linear form to aid refuse collection so residents can stand at the front and centre of the containers to deposit waste.
- Storage areas for larger waste bins should be sited so that the distance householders are required to carry refuse does not exceed 30m, in line with the Building Regulations 2002, Part H, and to ensure collection vehicles would be able to approach in a straight line to within a minimum distance of 8m of the bin store/agreed collection point.
- Surfaces that bins need to be moved over should be of a smooth continuous finish and free from steps or other obstacles; this includes traffic calming measures. Any steps should incorporate a dropped-kerb. Doorways should provide at least 1.4m clearance (including thickness of doors). The construction of bin stores should be able to withstand the rigours of refuse collection, remembering stores are there for decades rather than just years.
- A walkway of at least 1.4m wide should be provided within a bin store that allows access to each of the individual waste containers and ensures that individual bins can be removed from the store without the need to shuffle around any of the other bins.
- Collection vehicles cannot collect bins that are placed on a slope exceeding 1:12. Also the gradient of a slope that bins need to be moved over should not exceed 1:12.

Security:

Crews will not carry keys. Combination locks or keypads are acceptable.

Bulky waste storage:

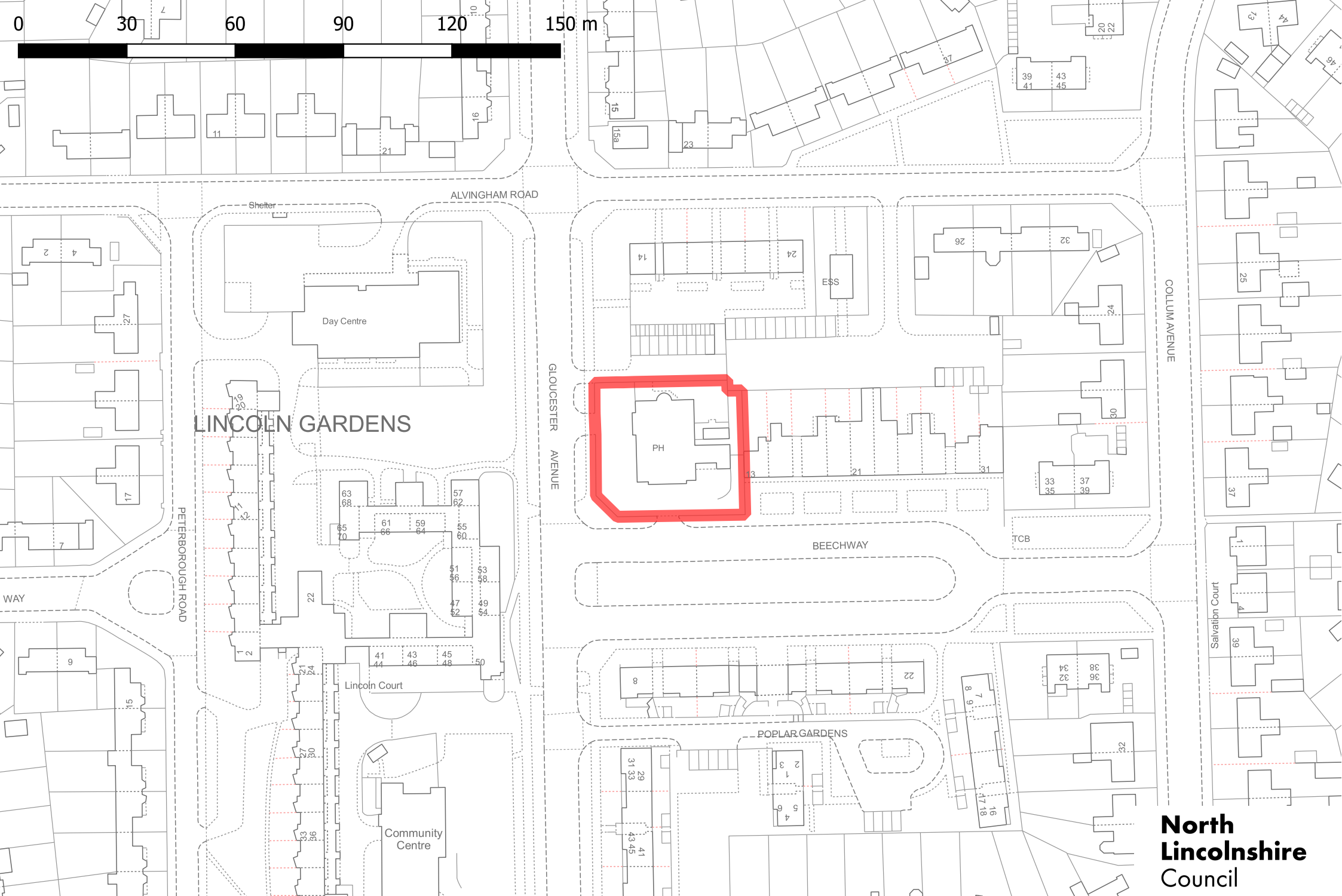
Large residential developments must be provided with space for non-reusable bulky household goods. These items will only be collected on request and there may be a charge. Unwanted goods of this type in good condition may be collected for reuse by various charities. There are several groups which can collect or accept items for reuse in North Lincolnshire. For more information on these schemes see the Furniture Reuse Schemes page on our website.

Responsibility:

Arrangements must be put in place for a management agent/housing association to be responsible for the waste and recycling bins. This would include ensuring clear access to the collection point on collection days and that bins only contain the materials specified by North Lincolnshire Waste Management. The management agent/housing association would also be responsible for the cost of replacement lids/fired/stolen bins.

Informative 6

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



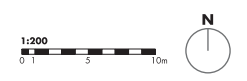
LINCOLN GARDENS

PH

**North
Lincolnshire
Council**

PA/2022/754 Proposed layout (not to scale)

AMENDED



Finishes Key

- Vehicle Surfaces**
Coloured asphalt
- Pedestrian Surfaces**
Concrete paving kirk in random arrangement
- Wild Grass**
Native accessed turf areas to be robust wild grass and wild flowers.
- New turf**
New turf to private and communal garden areas.

Feature Key

- Proposed Trees**
Native trees, TBC.
- Cycle Stores**
Specification to be confirmed.
- Feature Seating**
Mixture of hardwood slatted & smooth concrete slab style benches.

Elements Key

- 1 Bed: 44sqm - 50sqm**
- Demolition**

Development Summary

Per floor
 1 Bed 'Walk Up' Apartments: 10
 Scale - 2 storey
20 units total

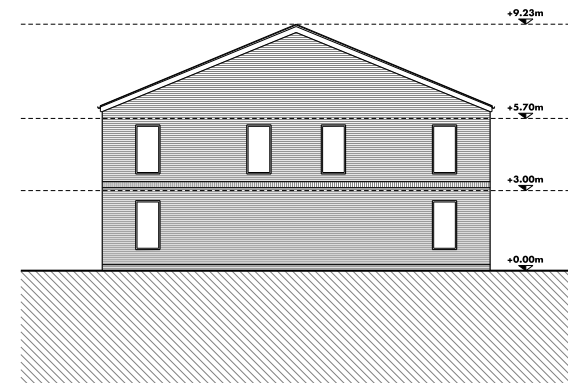
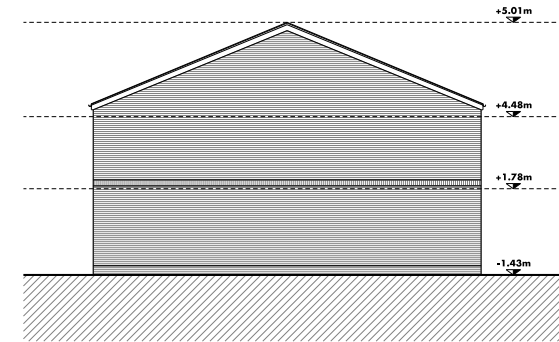
Crown copyright 2022. Supplied by copla ltd trading as UKPlanningMaps.com a licensed Ordnance Survey partner (100054135). Unique plan reference: v44//793212/1072554

Studio RBA.

studio rba.co.uk
 Do not scale from this drawing. Use figured dimensions only, which are stipulated in the drawings. It is the contractor's responsibility to check all dimensions before work is put in hand. Any discrepancies with the drawing should be reported prior to commencement of works.
 Copyright of this drawing belongs solely to Studio RBA Ltd. This drawing must only be used for the purpose for which it is supplied and its contents must not be reproduced for any purpose without our prior permission.

Project	lincoln Imp, DN16 2EA
Title	Proposed Site Plan
Number	RBA_214_21_A004
Scale	1:200 on A1
Revision	P02
Description	Updated to suit consultee comments
Status	Planning
Drawn	AM
Date	09.06.2022

PA/2022/754 Proposed elevations (not to scale)



- 01. Red Facing Brick
- 02. Grey Tiled Roof
- 03. Mid Grey uPVC Windows
- 04. Black Brick Banding
- 05. Mid Grey Rainwater Goods

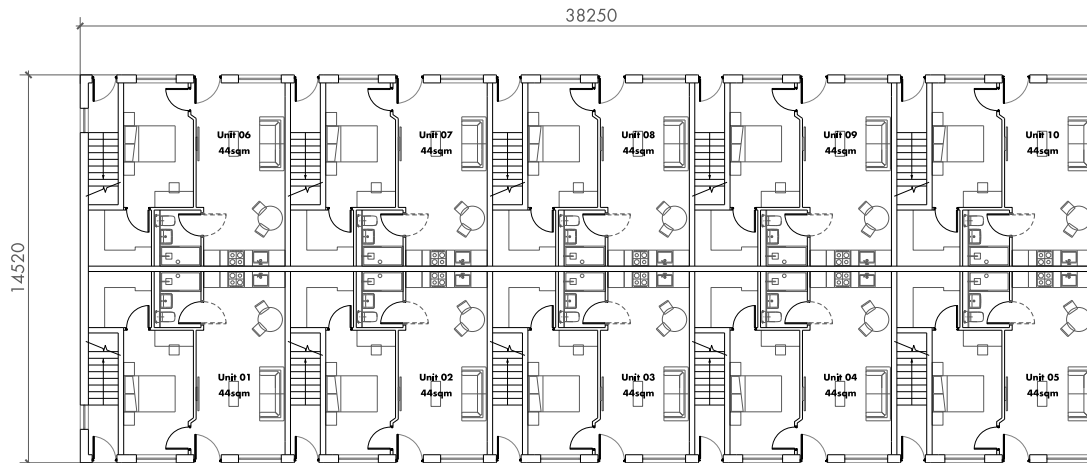
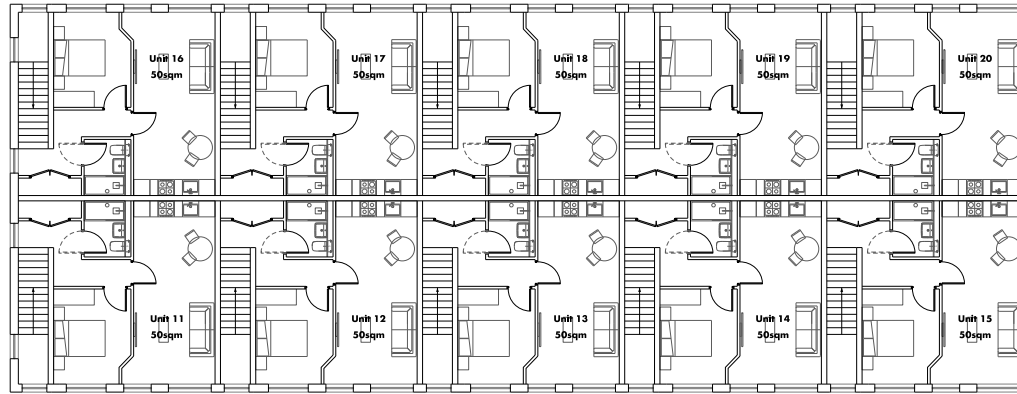
1:100
0 1 2m

Studio RBA.

studio rba.co.uk
 Do not scale from this drawing. Use figured dimensions only, with one challenge in 40mm, unless stated otherwise. The contractor is requested to check all dimensions before work in progress. Any discrepancies with the drawing should be reported prior to commencement of works.
 Copyright of this drawing belongs solely to Studio RBA Ltd. This drawing must only be used for the purpose for which it is supplied and its contents must not be reproduced for any purpose without written permission.

Project	Lincoln Imp, DN16 2EA
Title	Proposed Elevations
Number	RBA_214_22LA102
Scale	1:100 on A1
Revision	P01
Description	Initial issue
Status	Planning
Drawn	AM
Date	21.02.2022

PA/2022/754 Proposed floor plans (not to scale)



Studio RBA.

studiorba.co.uk

Do not scale from this drawing. Use figured dimensions only, which are highlighted in blue in this proposal. The contractor is requested to check all dimensions before work in situ. Any discrepancies within the drawing should be reported prior to commencement of works.
Copyright of this drawing belongs solely to Studio RBA Ltd. This drawing must only be used for the purpose for which it is supplied and its contents must not be reproduced for any purpose without written permission.

Project	Lincoln Imp, DN16 2EA
Title	Proposed Floor Plans
Number	RBA_214_22_A101
Scale	1:100 on A1
Revision	P01
Description	Initial issue
Status	Planning
Drawn	AM
Date	21.02.2022

PA/2022/754 3D views (1 of 2) (not to scale)



Studio RBA.

studiorba.co.uk

Do not scale from this drawing. Use figured dimensions only, which are displayed in millimeters unless stated otherwise. The contractor is requested to check all dimensions before work is put in hand. Any discrepancies within the drawing should be reported prior to commencement of works.

Copyright of this drawing belongs solely to Studio RBA Ltd. This drawing must only be used for the purpose for which it is supplied and its contents must not be reproduced for any purpose without written permission.

Project	Lincoln Imp, DN16 2EA
Title	CGIs - Sheet 1
Number	RBA_214_(2)_(A901)
Scale	NTS on A3
Revision	P01
Description	Initial issue
Status	Planning
Drawn	AM
Date	21.02.2022

PA/2022/754 3D views (2 of 2) (not to scale)



Studio RBA.

studiorba.co.uk

Do not scale from this drawing. Use figured dimensions only, which are displayed in millimeters unless stated otherwise. The contractor is requested to check all dimensions before work is put in hand. Any discrepancies within the drawing should be reported prior to commencement of works.

Copyright of this drawing belongs solely to Studio RBA Ltd. This drawing must only be used for the purpose for which it is supplied and its contents must not be reproduced for any purpose without written permission.

Project	Lincoln Imp, DN16 2EA
Title	CGIs - Sheet 2
Number	RBA_214_(2)_A902
Scale	NTS on A3
Revision	P01
Description	Initial issue
Status	Planning
Drawn	AM
Date	21.02.2022