APPLICATION NO PA/2022/869

**APPLICANT** Mr Martin Phillips, Ongo Developments

**DEVELOPMENT** Planning permission to erect 40 affordable homes, comprising

flats and houses, create a new vehicular access point and road off School Road, create a new access and private drive off Collum Lane, new vehicular crossover points off School Road and Collum Lane, associated car parking and visitor parking, new boundary treatments, and hard and soft landscaping

proposals

**LOCATION** Former site of Ashby Market, Ashby High Street, Scunthorpe,

PARISH Scunthorpe

WARD Ashby

CASE OFFICER Tanya Coggon

SUMMARY Subject to the completion of a section 106 agreement, grant

**RECOMMENDATION** permission subject to conditions

REASONS FOR REFERENCE TO COMMITTEE Departure from the development plan

#### **POLICIES**

# **National Planning Policy Framework:**

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 7 – Ensuring the vitality of town centres

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 14 – Meeting the challenge of climate change, flooding and coastal change

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 – Conserving and Enhancing the Historic Environment Framework

#### 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 S5 (Development in Crowle, Epworth, Kirton Lindsey, Frodingham Road and Ashby High Street District Shopping Centres)

Policy T1 (Location of Development)

Policy T2 (Access to Development)

Policy T6 (Pedestrian Routes and Footpaths)

Policy T19 (Car Parking Provision and Standards)

Policy LC5 (Species Protection)

Policy DS1 (General Requirements)

Policy DS3 (Planning Out Crime)

Policy DS7 (Contaminated Land

Policy DS11 (Polluting Activities)

Policy DS13 (Groundwater Protection and Land Drainage)

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 CS3 (Development Limits)

Policy CS5 (Design)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

Policy CS9 (Affordable Housing)

Policy CS14 (Retail Development)

Policy CS16 (North Lincolnshire's Landscape, Greenspace and Waterscape)

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 CS24 (Health Care Provision)

Policy CS25 (Promoting Sustainable Transport)

Policy CS27 (Planning Obligations)

# **Housing and Employment Land Allocations DPD:**

Policy PS1 (Presumption in Favour of Sustainable Development)

Policy TC-1 (Development in North Lincolnshire's Town Centres and District Centres)

# Other relevant guidance:

SPG8: Developer Contributions to Schools

SPG: Provision of Open Space in New Housing Developments

#### **CONSULTATIONS**

**Highways:** No objection subject to conditions relating to improvements to bus stops and footways, parking, access and visibility, and a suggested S106 contribution towards one 28-day bus ticket per dwelling.

**Environment Agency:** No comments to make.

**LLFA Drainage:** No objection subject to conditions requiring the submission of a detailed surface water drainage scheme for the site and to prevent surface water run-off from the site onto the highway and from the highway onto the site.

Severn Trent Water: No response.

#### **Environmental Protection:**

#### Contamination

The report identifies the site currently as a vacant parcel of land 0.6ha in size. The site walkover identifies the site as being mostly covered macadam and concreted hardstanding. The western third of the site was formerly occupied by a garage with two buildings present on the western area of the site. A workshop building is present on the southwestern corner of the site with suspected cement-bound asbestos roofing sheets present on the former workshop. Two metal above-ground storage tanks are present in the western area of the site. General fly-tipping/litter, comprising glass, bottles, tyres and plastic, was present along the site boundaries with Collum Lane, School Road and Ashby High Street. Historical

mapping indicates that circa 1963 the site had been built up to include commercial and industrial properties, including Ashby Market. Satellite imagery from 2019 shows that the buildings had all been demolished with only the hardstanding remaining. No further significant changes are shown on the subsequent historical maps or aerial photography. The report identifies the site as in an intermediate probability radon area according to Envirocheck. The report recommends that basic radon protective measures are therefore necessary in the construction of new dwellings or extensions. The report identifies potential sources of contamination as made ground, on-site buildings, fuel storage tanks and neighbouring petrol station. Potential contaminants of concern are heavy metals, PAHs, TPHs and asbestos. Environmental Protection recommend additional sampling is undertaken on the site and a contamination condition.

#### Noise

The proposed development is in a mixed commercial use area. As there are commercial properties to the south, east and west of the proposed development, there is potential for noise disturbance to future residents from activities at these commercial premises. They include a 24-hour petrol station, a hand car wash facility, an MOT centre and two public houses, one of which is on the site boundary. Furthermore, the site is on Ashby High Street which has a high traffic flow. Noise monitoring was carried out between 23 and 28 June 2022. The report recommends that to satisfy the internal noise criteria provided in BS8233, it is necessary to incorporate mitigation measures in the form of appropriate glazing and ventilation systems. This department is satisfied that the development can go ahead with suitable mitigation, however it is unclear if the mitigation measures recommended in the report are sufficient. Further additional mitigation measures are therefore required to protect future on-site residents from excessive noise. Planning conditions requiring the submission of a noise mitigation scheme to the council for approval, details of an acoustic barrier to be erected on the site before the development is occupied and a verification report that demonstrates the effectiveness of the mitigation measures are proposed.

# Car wash overspray

There is the potential for the driveway areas of the flats on the east boundary of the site, and the garden of plot 22, to be adversely affected by overspray from the adjacent car wash, dependent on wind direction. The department has received complaints from residents in close proximity to car wash facilities in the past which have proven difficult to resolve. Statutory nuisance notices have been served in some cases which have resulted in the car wash facility being required to erect overspray mitigation screening. The department strongly recommends that this matter is considered and a solution found prior to permission being granted to prevent unfair economic pressure being applied to the car wash should complaints be received from future occupants of the proposed development. If, however, planners are minded to grant permission, the department strongly recommends a suitably worded condition is included to deal with this matter.

# Air quality

This application is for 40 dwellings on land covering approximately 0.58ha with more than 10 parking spaces. Developments should be located and designed, where practical, to enable future occupiers to make green vehicle choices and promote sustainable modes of transport in accordance with Section 9 of the NPPF. To prepare for increased demand in future years, appropriate cable provision should be included in the development. If the local planning authority is mindful to grant the application, the department recommends that the

scheme includes provision for electric vehicle charging points. This approach is in accordance with the IAQM good practice guidance, and will assist towards sustainable development.

#### Construction

The proposed development is in close proximity to residential properties. The construction phase therefore has the potential to result in disturbance from noise to local residents. The department therefore recommends conditions controlling hours of construction and site clearance operations, and requiring the submission of a construction environmental management plan (CEMP) for approved by the council.

**HER (Archaeology):** No objection.

**S106 Officer:** An off-site financial contribution of £47,573.20 is required towards improvements and additional equipment at Everest Playing Fields and to ensure all the dwellings remain affordable in perpetuity.

**Ecology:** Works would result in harm to a bat roost. Consent can only be given if sufficient evidence is presented that the tests of European Protected Species (EPS) licensing are met. Planning conditions are proposed to minimise harm to protected and priority species and habitats and to seek a net gain in biodiversity in accordance with policy CS17 and the National Planning Policy Framework.

**Education:** As all the dwellings within the development are affordable, no educational contributions are sought.

**Humberside Fire and Rescue:** Provides advice on the requirements for the provision of access to all buildings and adequate water supplies for fire-fighting.

Humberside Police: Support...the applicant has thoroughly considered designing out crime/secured by design principles throughout the development. The local planning authority seeks to encourage Secured by Design (SBD) accreditation where appropriate. SBD is a national police initiative that is owned by the UK Police Service. It is designed to encourage the building industry to adopt crime prevention measures to assist in reducing the opportunity for crime and the fear of crime, creating safer, more secure and sustainable environments. The environmental benefits of SBD are supported by independent academic research consistently proving that SBD housing developments experience up to 87% less burglary, 25% less vehicle crime and 25% less criminal damage, and also has a significant impact on antisocial behaviour. The Secured by Design Developer's Award is a free award should the applicant wish to apply. Recommends all proposed dwellings are designed and constructed to the 'Police Preferred Specification' SBD criteria. The development can achieve a Silver Award if the SBD criteria are applied, with an opportunity to apply for a Gold Award, incorporating layout and design.

**Recycling:** Offers general guidance in relation to bin types, pulling distances for bins and refuse vehicle access.

**NHS North LincoInshire CCG:** Scunthorpe has multiple surgeries in close proximity to the proposed development, including: The Birches Medical Practice, West Common Lane, Ashby Turn Primary Care Centre, Ancora Medical Practice and Cedar 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. Consideration for S106 funding to potentially increase space for the delivery of primary care services and wider community services, which will benefit local patients.

#### **PUBLICITY**

Advertised by site and press notices. Two responses have been received raising the following material planning issues:

- The proposed increase in dwellings will result in road safety issues.
- The junction with School Road and Collum Lane requires improvement.
- The area should be turned into green space for local residents.

# STATEMENT OF COMMUNITY INVOLVEMENT

Public consultation, including local councillors, took place between March and April 2022. Due to the ongoing situation with Covid-19 at the time, it was considered that a community type drop-in event would not be a suitable format for consultation. A letter and web-based consultation took place. This involved a letter drop advising of a web address where development plans for the site could be viewed and gave access to a digital comments form. A hard copy of the consultation drawing and a comments form were also included in the letter drop for those who do not have access to the internet.

The letter drops covered residential properties and commercial premises situated on School Road, Ashby High Street, Walnut Tree Way and Collum Lane (56 in total). The consultation period was 21 days and comments were asked to be returned no later than Monday 18 April 2022. The consultation invited views on the possible development of the site, asking residents to comment on items such as: the layout of the development; the type, range, and number of homes; the design of the new homes; highways and parking; and any other issues.

Three responses were received: two from residents and one from ward councillors. The first response welcomed the proposed development as it would improve and regenerate the area, the only concern being about property walls being accessible for weeding and maintenance; this is a private matter. The second requested shops with apartments above onto Ashby High Street; this is discussed in the principle section of this report.

The third response, from the councillors, provided a single, collective response. The response in relation to the development was positive and welcomed by most residents, seen as the tidying up of a derelict area which is currently detrimental to the overall ambience of the Ashby area. Some perceived issues of concern were traffic flows on Collum Lane, and to a lesser extent School Road, during both the construction and post-completion phases. The applicant considers, with regard to construction traffic, that this could be dealt with by planning conditions requiring a construction phased traffic management plan to be submitted and approved by the council. The applicant does not consider that the development will result in any material impact on the highway network.

Consultation took place with the Designing Out Crime Officer (DOCO) for Humberside Police in February and March 2022. Various principles of Section 1 of Secured Design Homes 2019 have been adopted to ensure the development creates a safe and accessible environment. The development drawings and discussions, along with the Crime Analysis

and a site visit by the DOCO, have all contributed to the conclusion that should the development proceed in accordance with the drawings, there is no reason why it could not achieve Secured by Design Gold Certification.

#### **ASSESSMENT**

# The proposal

Planning permission is sought for 40 dwellings on the site, all 'affordable' and comprising a mix of house types and designs: 18 one-bedroomed flats, 14 two-bedroomed dwellings, 6 three-bedroomed dwellings and 2 four-bedroomed dwellings. The 18 flats are located adjacent to Ashby High Street, arranged in three blocks, and are three-storey to reflect the surrounding three-storey buildings on Ashby High Street. Fronting Collum Lane are two-storey dwellings and fronting School Lane are a mix of two-, three- and four-bedroomed two- and three-storey dwellings. The dwellings will be constructed from a mix of materials including brickwork, stacked bonded bricks, cladding and concrete roof tiles. Each of the dwellings (excluding the flats) will have private garden areas to the rear with boundary treatment to avoid overlooking between neighbouring gardens. The main vehicular access to the site is a private drive from School Lane with a smaller private drive proposed from Collum Lane. Pedestrian access will be provided onto Ashby High Street. The two- and three-storey dwellings have their own car parking spaces and the flats have 12 car parking spaces. Landscaping and a variety of boundary treatments is proposed on the site.

#### The site

Located within the Scunthorpe urban area, the site is currently vacant and has been since 2017 when the market relocated onto The Broadway. The site is also part of the former Rusty's car garage. It is extensively covered by hardstanding with some buildings. The main building (warehouse) is to be demolished. An existing brick-built garage fronting School Lane is to be retained. The site falls in a south-easterly direction from a high point of 37.9m AOD (above Ordnance Datum) adjacent to the Collum Lane/School Road junction to a low point of 36.5m AOD at the back edge of the footpath on Ashby High Street. It is surrounded by metal palisade and temporary fencing. To the south of the site is Ashby High Street comprising a mix of commercial and residential development, to the east is a garage, to the north is School Lane with the public car park, Darley Centre and residential flats and to the west is Collum Lane, comprising a mix of retail units and residential properties.

# Relevant planning history

PA/2017/515: Planning permission for change of use to a mixed use area to accommodate a new street market – approved 03.05.2017.

This application, in effect, sought the relocation of Ashby market from this location to its current site on The Broadway, Ashby.

# **Principle**

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).

Chapter 7 of the NPPF (2021) relates to ensuring the vitality of town centres. Paragraph 86a states, 'planning policies should define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters. Paragraph 86(d) states, 'planning policies should recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.'

There is a clear indication through the NPPF that housing can be acceptable in town centres on appropriate sites. The recent extension of permitted development rights also permits changes of use from retail to dwellings, subject to prior approval and conditions. In this case, the application site is vacant and is a wholly appropriate, sustainable location for residential development. The proposal therefore aligns with paragraph 86 of the NPPF.

The site is within the development boundary for the Scunthorpe and Bottesford urban area, in a highly sustainable location within walking and cycling distance of a range of local facilities, services and employment opportunities. It is close to a number of bus stops with regular services to Scunthorpe and is within the retail area of Ashby High Street. Policy TC-1 of the HELA DPD states, 'Proposals for the development of additional shopping facilities within the District Centres of Kirton in Lindsey, Winterton, Frodingham Road and Ashby High Street, will be permitted provided they are of a size and scale compatible with the retail needs and character of the settlement/area. Development will only be permitted if it is required to meet the needs of the area served by the centre in a sustainable way. It must also be of a scale appropriate to the centre, and that will not adversely impact upon the vitality or viability of other nearby town and district centres. Proposals will be considered having regard to the existing character and function of the shopping street and the resulting proportion of non-shopping uses.'

In this case the proposed development does not create additional shopping facilities onto Ashby High Street. However, it will provide much needed affordable housing in Scunthorpe in a highly sustainable location. The site has been vacant since 2017 and has not been used for retail purposes since this date. This area of Ashby High Street does have some long-term empty commercial premises and no bids have been submitted for retail development on this site. Ashby High Street is currently thriving and the proposed residential development will further increase footfall through the occupiers using it for their everyday needs. The proposal will therefore support Ashby High Street and will not undermine the function of the shopping street nor increase the proportion of shopping uses as the site is not currently in retail use. In addition, the scheme provides a well-designed frontage to Ashby High Street which improves the character, vitality and viability of the area. Whilst there is some conflict with policy TC-1, as no additional shopping facilities are being provided, the regeneration of this prominent vacant site with much needed well-designed affordable homes means that overall the development is acceptable in terms of policy TC-1.

Policy CS14 of the Core Strategy relates to retail development and seeks to identify, protect and enhance the hierarchy of vital and viable town, district, and local centres in North Lincolnshire. This policy establishes Ashby High Street as a district centre and states, 'These centres will continue to have an important role in providing shopping and services

within the Scunthorpe urban area. However, no proposed development will take place within these centres, unless it can be demonstrated that it is to meet local needs, is of a scale appropriate to the centre and will not adversely impact upon the vitality or viability of other nearby centres.' As mentioned in the section above, the proposal is for affordable housing, much needed in Scunthorpe, with a good mix of house types. The development will meet local needs and the scale of development on this urban site is acceptable. The residential development will increase footfall on Ashby High Street and it is not considered that it will adversely impact the vitality or viability of other centres. On balance, therefore, the proposal aligns with policy CS14.

Policy S5 of the NLLP seeks to promote the development of additional shopping facilities on Ashby High Street. It does allow for non-shopping uses providing they do not detract from the shopping centre's function. Proposals will be considered having regard to the existing character and function of the shopping street and the resulting proportion of non-shopping uses. As mentioned previously in this report, it is not considered that the residential development of this vacant site will detract from Ashby High Street's shopping function and the proposed scheme will improve the character of Ashby High Street due to its design. It will not affect the proportion of non-shopping uses on Ashby High Street as this site has not been used since 2017. The proposal therefore aligns with policy S5 of the NLLP.

Policy CS1 of the NLCS identifies Scunthorpe as being the focus for the majority of new development and growth, including for housing. CS1 promotes high quality, well-designed new housing to be provided on a range of previously developed sites within the urban area. Policy CS2 of the NLCS identifies a sequential approach for development will be adopted. Development will be focused on previously developed land and buildings within the Scunthorpe urban area, followed by other suitable infill opportunities within the town, then by appropriate greenfield urban extensions. All future development in North Lincolnshire will be required to contribute towards achieving sustainable development. Policy CS8 of the NLCS also states that the principal focus for housing is previously developed land and buildings within the development limits of Scunthorpe followed by a greenfield urban extension to the west of the town. 82% of all new dwellings will be located in and adjacent to the urban area.

Policy CS7 of the Core Strategy sets out an aspirational minimum density of 40-45 dwellings per hectare on sites within Scunthorpe development limits. 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 40 dwellings results in a density of approximately 69 dwellings per hectare. which falls well above the minimum density sought by policy CS7 (40-45 dwellings per hectare). However, the proposed layout makes provision for a number of house types, including apartments. This increases the density and makes effective use of this vacant brownfield site. This new housing is considered to be appropriate for the area, being similar in density to the adjoining residential areas along Collum Avenue. The proposal for 40 affordable dwellings is considered to represent an efficient use of land, as required by paragraph 124 of the NPPF. As the site is in a very sustainable location, this number of dwellings will make a significant contribution to the housing need in Scunthorpe. On this basis, and due to the nature of the application site located close to an established residential area comprising higher residential densities, a density higher than that sought by policy CS7 is considered justified in this instance.

A recent appeal decision dated 20 July 2022 (planning reference 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. In this case, the proposal will make a significant contribution to the council's housing land supply and this is also a key material consideration in the determination of this application.

Paragraph 120(c) of the NPPF states that planning policies and decisions should 'give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land. Paragraph 123 of the NPPF states that local authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to: a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework. In this case the site is a brownfield site (currently located on the Brownfield Register) proposed for housing to meet an affordable housing need on land that will need to be remediated. The site is in Scunthorpe where, through NLCS policies CS1, CS2 and CS8, there is a clear focus for new residential development to be located. Although the site is allocated in the HELA DPD for retail use, the proposal will not adversely affect the vitality or viability of Ashby High Street.

It must also be noted that in the new emerging local plan for North Lincolnshire this site (Former Ashby Market) is allocated for housing under housing allocations H1P-7 and H1P-10. H1P-7 is allocated for 40 dwellings and H1P-10 (Former Rusty's Car garage) is allocated for 10 dwellings. Litle weight can be given to the new emerging local plan as it has not yet been submitted to the Planning Inspectorate, but it is clear the council considers the application site to be appropriate for housing.

In conclusion, the proposal is in part contrary to policy TC-1 of the HELA-DPD. However, policies CS14 of the NLCS and S5 of the NLLP, and the NPPF, do allow non-shopping uses in the defined retail area, where appropriate. The site has been vacant for around five years, when the existing market on the site was relocated onto The Broadway (PA/2017/515). The site has been extensively marketed by NLC and the only bids submitted for the site have been for residential development. Ashby High Street is a thriving High Street with a wide range of shops and services, both national chains as well as independent. There are some long-term retail vacancies in the vicinity of the site. The site, close to existing residential development, is vacant and becoming an 'eyesore'. Furthermore, it is allocated in the new emerging draft local plan for housing. It is considered, on balance, that the use of the site for residential purposes will not harm the vitality and viability of Ashby High Street. It is important to bring this site back into use to regenerate this area of Ashby. Therefore, the development of housing on this site is considered to be acceptable in principle in light of the circumstances set out above.

# Flood risk and drainage

The site is within Flood Zone 1 of the council's SFRA and is therefore at low risk of flooding. A flood risk assessment (FRA) has been submitted with the application. The Environment Agency has been consulted on the application and does not wish to comment. The site is proposed to be an allocated housing site and is at low risk of flooding. The proposal is

compliant in terms of flood risk with flood risk policies within the NPPF, policy CS19 of the Core Strategy and policy DS16 of the North Lincolnshire Local Plan. These policies seek to locate development within areas of low flood risk. As a result, in terms of flood risk, the proposed development is considered to be acceptable.

In terms of foul water, Severn Trent Water have been consulted on the proposal and unfortunately have not responded. A condition will be imposed on any planning permission granted requiring the submission of foul water drainage details to the council for approval. Subject to this condition, and in the absence of any evidence to suggest that foul water cannot be adequately discharged from the site, subject to an acceptable foul water drainage scheme, the proposal can accord with policy DS14 of the North Lincolnshire Local Plan.

In relation to surface water, Severn Trent Water and the LLFA have been consulted on the application. An FRA, drainage drawings and a drainage strategy have been submitted by the applicant with email exchanges between the applicant and the LLFA in respect of the surface water drainage for the site. The LLFA have commented that they consider conveyance permeable paving is a viable solution for the site and new outfalls can be utilised to achieve the required gradients and enable the required depth of materials for the 100-year plus climate change flood event. Water butts can be utilised for all properties also. Alternatively, other source control SuDS features can be utilised. However, on balance, the LLFA is proposing that surface water for the site can be addressed through a detailed surface water drainage scheme for the site, which will need to be submitted to the council and should be based on the submitted FRA and drainage strategy to mitigate against flood risk and to protect water quality. The conditions proposed by the LLFA are recommended to be imposed on any planning permission.

Given the lack of objection by the relevant drainage body, the Environment Agency and the council's own LLFA, it is considered, subject to the recommended conditions, that the proposed development will not result in an unacceptable risk of flooding and will not have a detrimental impact on the local drainage network. The proposal is therefore acceptable in drainage terms and accords with policies CS18 and CS19 of the Core Strategy, and DS16 of the North Lincolnshire Local Plan.

#### **Highways**

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by a satisfactory access. Policy T19 is concerned with parking provision and general highway safety. Both policies are considered relevant. 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 site is located on Ashby High Street, close to public transport links – there is a bus stop on the site frontage with Ashby High Street. The site is also within walking and cycling distance of a range of services, facilities and employment opportunities in Ashby.

The main access to the site is from School Road with a private drive leading onto Collum Lane. There is no vehicular (only pedestrian) access to the site from Ashby High Street as there is a bus stop and layby on the site frontage. In terms of parking, there will be 12 non-allocated parking spaces for the 18 flats, the two-bedroom houses will have one designated car parking space each, and each three- and four-bedroom house will have two parking spaces, with a small number of visitor car parking spaces provided within the site.

Concerns from a resident in relation to the vehicular access proposed are noted. However, Highways have raised no objections subject to a number of conditions relating to visibility splays, construction details of the access, footway and bus stop improvements, and the retention of the proposed car parking on the site. The proposal is considered to be acceptable in highway terms and, subject to these conditions, aligns with the NPPF, policy CS25 of the Core Strategy, and policies T1, T2 and T19 of the North Lincolnshire Local Plan.

# Character, visual impact and amenity

The scheme has been designed to a high standard. The frontage to Ashby High Street contains the 18 flats arranged in three blocks containing six flats each, which are three-storey (one storey per flat). These have been designed to be in character with the ornate, Victorian three-storey public house adjacent to the south-west boundary of the site with the flats extending across the whole of Ashby High Street. Planting is proposed on the front boundary to soften the development in the street scene and add green infrastructure into the urban area, which is welcomed. The front boundary comprises metal iron railings, which secure the site but allow all the flats to be viewed from Ashby High Street.

The frontage to School Road comprises essentially two-storey houses and two, three-storey dwellings. These dwellings face the Darley Centre and Collum Avenue car park. The proposed dwellings form a strong and interesting frontage with School Road and give the development an identity which will improve the vibrancy of this area of Ashby as this part of School Road has extensive car parking fronting School Road due to the public car park and parking for the Darley Centre. The dwellings have modest front gardens adding green infrastructure into the development. Dwellings will also front Collum Lane, which will continue the existing development along Collum Lane in a northerly direction, with the proposed two-storey dwellings designed similar to existing residential properties on Collum Lane. Within the site there are then a mix of two- and three-storey dwellings, which are partially screened by the dwellings proposed on Ashby High Street, School Road and Collum Lane.

The proposed scheme is an improvement on this vacant site comprising extensive hardstanding area and some vacant buildings, which are surrounded by unsightly palisade fencing. The proposal provides a unique opportunity to regenerate the site and this area of Ashby which has fallen into decline. The scheme will not result in any adverse impacts on existing dwellings and the proposed dwellings have adequate-sized gardens for the area and acceptable separation distances for this urban area. Whilst it is accepted that there are some instances of overlooking between properties, these have been kept to a minimum and are mainly related to the flats which overlook gardens across the access road. On balance, this is a well-designed scheme on a fairly small site that will significantly improve the aesthetic appearance of this vacant site and regenerate this part of Ashby. The proposal aligns with policies H5, H8 and DS1 of the NLLP, CS5 and CS7 of the Core Strategy, and Chapter 12 of the NPPF.

# **Ecology/biodiversity**

Policies CS5 and CS17 of the Core Strategy deal with biodiversity matters. Policy LC5 of the NLLP deals with species and habitat matters. The applicant has submitted an ecology report and bat survey with the application and the council's ecologist has been consulted. The site is extensively covered with hardstanding, and contains a former warehouse building and two other small buildings. The site has very low biodiversity value at the

moment, limited to opportunistic plants that have become established in cracks in concrete and hardstandings. For these reasons, there is no requirement to carry out a biodiversity metric assessment. A landscaping masterplan has been prepared for the site, but details of the exact species, number and size of trees and shrubs is not known at this stage. Planning conditions can be used to ensure a satisfactory landscaping scheme is submitted and biodiversity enhancements are provided on the site.

In terms of bats, the applicant has submitted a survey for the site that has identified a day roost used by two pipistrelle bats in the former warehouse building. It is proposed to demolish this building to facilitate the development which will result in the loss of the bat roost.

The council must consider a number of prerequisite tests for a European Protected Species (EPS) Licence as the pipistrelle bats are protected species. Under these tests the council must consider whether or not there are any satisfactory alternatives. The development could not proceed without the demolition of this building as it would result in an unsatisfactory standard of development on the site. The building is of poor design and if it were to be brought into use not only would it cause conflict with the proposed residential properties in terms of noise and disturbance, potentially the bat roost may be disturbed due to the internal/external alterations required to bring this redundant building into use. If the building remained the scheme would become unviable. In addition, this building does not lend itself to residential conversion due to its internal and external design. The council therefore considers that there are no satisfactory alternatives in this case.

In terms of overriding public interest, the proposal will provide 40 affordable dwellings for the residents of Scunthorpe. Furthermore, it must be noted that currently North Lincolnshire does not have a five-year housing land supply. This proposal for the erection of 40 dwellings within the Scunthorpe urban area would have both economic and social benefits that would work in the public interest. Contributions towards open space and affordable housing would provide additional benefits to residents of Scunthorpe.

It is considered that there are no satisfactory alternatives that would cause less harm to the species; even the 'do nothing' approach will lead to further degradation of the building which is already falling into disrepair. The proposed scheme, through biodiversity enhancement secured by condition, should ensure that existing species will have the chance to thrive, as well as other species introduced that would benefit the wildlife habitat network. The ecologist has advised conditions to secure mitigation and compensation measures. The ecologist notes that although the development will entail the loss of a day roost for low numbers of a common and widespread species, replacement integral bat boxes are proposed. Therefore, the view of the council's ecologist and the council is that the development, as currently proposed, passes the Favourable Conservation Status test of EPS licensing.

# Air quality and sustainable resource

Policy CS18 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.

The council's Environmental Health department has assessed the proposal and proposes 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.

## Land contamination

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. In this case, the submitted site investigation is not considered sufficiently robust and therefore a planning condition will be used to ensure a satisfactory site investigation and remediation scheme is submitted for approval by the council before development takes place.

#### Noise

A noise assessment has been submitted and Environmental Health have some concerns about noise from adjoining commercial premises, but consider that these matters can be addressed and mitigated through planning conditions relating to the submission of a noise mitigation strategy, installation of acoustic barriers and a verification report. These conditions are recommended to be imposed on any planning permission. The proposal, in terms of noise, subject to planning conditions, will accord with policy DS11 of the NLLP. Paragraph 187 of the NPPF seeks to ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant should be required to provide suitable mitigation before the development has been completed. In this case the proposed planning conditions will mitigate noise from surrounding commercial premises and therefore the proposal will align with paragraph 187 of the NPPF in terms of noise.

#### Car wash

Environmental Health has expressed some concern that the car wash at the garage adjacent to the eastern boundary may result in the driveways to the flats on the eastern boundary and the garden of plot 22 being affected by overspray, depending on the wind direction. A boundary fence of just over 2m in height is currently proposed along this boundary, together with landscaping, which will mitigate some impacts of potential overspray. The garage building itself runs parallel with plot 22, providing screening from overspray. The overspray would only occur dependent on weather conditions. Whilst Environmental Health's concerns are acknowledged, this potential impact is not considered

to result in any significant harm to occupiers of the proposed dwellings. The proposal therefore aligns with policies DS1 and DS11 of the NLLP.

# 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, all of which the applicant has agreed to:

# Affordable housing

Policy CS9 is concerned with affordable housing. In this case all the dwellings are proposed to be for affordable housing. As a result, an S106 is required to ensure that these dwellings remain affordable in perpetuity. The proposal therefore aligns with policy CS9 of the Core Strategy and the NPPF.

# 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 0.5 ha 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 policies CS22 and CS23 of the North Lincolnshire Core Strategy. Both are considered relevant. In this case no public open space is to be provided on the site. As a result the applicant has agreed to an off-site contribution of £47,573.20 towards improvements and additional play equipment at Everest Road playing fields. Subject to this contribution, the proposal will align with policy H10 of the NLLP, and policies CS22 and CS23 of the NLCS.

Highways have requested contributions towards bus tickets. The site is in a very sustainable location, with a bus stop on the site frontage with Ashby High Street. In light of the very sustainable location, it is considered that this contribution will not meet the tests set out in the tests for S106 obligations and therefore this contribution has not been requested. The NHS has also requested a health contribution. The scheme is for 100% affordable dwellings and therefore this contribution has also not been requested.

# **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, CS22 and CS23 of the North Lincolnshire Core Strategy, H10 of the North Lincolnshire Local Plan, and paragraph 57 of the NPPF. The heads of terms have been put to the applicant for off-site public open space and for affordable housing in perpetuity. The applicant has agreed all the requested S106 contributions required to mitigate the impacts of the development.

#### Other matters

One objector considers that the site should be used as public open space. However, the proposed scheme will make a significant contribution towards improvements and new equipment at the Everest Road playing fields site, which will mitigate the impacts of the development. The site is in a prominent location on Ashby High Street and this well-designed development will bring a vacant brownfield site back into use, as well as providing a significant number of dwellings which will meet some of our housing need. The comments that retail should be provided on the site have been dealt with in the 'principle' section of this report.

#### **Pre-commencement conditions**

All pre-commencement conditions included in the recommendation have been agreed with the applicant.

# The planning balance

When applying the planning balance to this application, it is clear that, due to the council's lack of a five-year housing land supply, there is a need for housing in North Lincolnshire. Not only will this application significantly address this shortfall, it will also provide much needed affordable housing for residents of North Lincolnshire. The site is in a highly sustainable location and adjacent to a bus stop, and the facilities on Ashby High Street are accessible by walking and cycling. It is a vacant site in a prominent location and this well-designed scheme will extend the existing frontage development along Ashby High Street, School Road and Collum Lane in a sensitive manner. The proposal will regenerate this area of Ashby High Street, adding vibrancy and vitality to the area, and increasing footfall. Whilst it is acknowledged that the site is within the retail area of Ashby High Street, the site has not been in use since 2017. A non-shopping use in this location will not adversely affect the character, vitality and viability of Ashby High Street. The benefits of the proposal clearly outweigh the dis-benefit in this case.

#### Conclusion

No material considerations or technical matters have been identified that could properly be considered to outweigh the statutory presumption in favour of sustainable development as set out in the NPPF. Although the development does not strictly fully accord with the retail policy in the HELA DPD, there is sufficient justification to recommend approval of this residential scheme on this site. On balance, the proposed development is considered to be acceptable in planning terms and is recommended for approval subject to the conditions and planning obligations set out below.

# Heads of terms

# Affordable housing

Number of dwellings	All 40 dwellings
	Affordable units to be retained in perpetuity

# Open space

Financial contribution towards off-site open space	Off-site financial contribution of £47,573.20 towards improvements and additional equipment at Everest Road Playing Fields.
Trigger point	On occupation of the 20th dwelling
How long NLC has to spend the contribution	10 years

#### RECOMMENDATION

Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 providing for an off-site contribution for open space towards improvements and additional equipment, and to ensure all the affordable dwellings remain in perpetuity, 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 7 March 2023 the Development Management Lead be authorised to refuse the application on grounds of no essential community benefits or affordable housing; 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:

- 17821-BSB-00-XX-DR-A-0031 Rev A (block plan)
- 17821-BSB-00-XX-DR-A-0020 Rev C (House Type A)
- 17821-BSB-00-XX-DR-A-0032 (boundary treatments)

- 17821-BSB-00-XX-DR-A-0022 Rev B (House Type Block D)
- 17821-BSB-00-XX-DR-A-0021 Rev B (House Type B and C)
- 17821-BSB-00-XX-DR-A-0028 Rev A (Block Type A and B)
- 17821-BSB-00-XX-DR-A-0029 (Block Types C and D)
- 17821-BSB-00-XX-DR-A-0030 (location plan)
- 17821-BSB-00-XX-DR-A-0025 Rev D (Proposed Site Layout)
- 46664/016 Rev B (external works).

#### Reason

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

3.

No development shall begin on site until details of the proposed improvements to the bus stops immediately outside the site on Ashby High Street and outside 174 Ashby Road have been submitted to and approved in writing by the local planning authority. Once approved, they shall be implemented in accordance with the proposed details, prior to the occupation of the 30th dwelling.

#### Reason

In the interests of sustainability and to ensure highway safety in accordance with policies CS25 of the Core Strategy and T2 of the North Lincolnshire Local Plan.

4.

No development shall begin on site until details of the proposed improvements to the southern footway on School Road, from Collum Lane to Collum Avenue, have been submitted to and approved in writing by the local planning authority. Once approved they shall be implemented in accordance with the agreed timescales.

#### Reason

In the interests of highway safety in accordance with policies T2 and T6 of the North Lincolnshire Local Plan.

5.

Within three months of the completion of the new access, any redundant access to the site shall be removed and the area reinstated to footway/verge (including the provision of full height kerbs) in accordance with details to be submitted to and approved in writing by the local planning authority.

#### Reason

In the interest of highway safety in accordance with policy T2 of the North Lincolnhhire Local Plan.

6.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

#### Reason

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), nothing shall at any time be erected, retained, planted or allowed to grow over 1.05 metres in height above the level of the adjoining carriageway for a distance of 2 metres from the highway boundary across the site frontage.

#### Reason

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

8.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking spaces serving it have been completed and, once provided, the vehicle parking spaces shall be retained.

#### Reason

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

9.

No dwelling served by the private driveway shall be occupied until it has been constructed in accordance with details including:

- (i) the proposed method of forming access from the highway, including the required visibility splays;
- (ii) the method of constructing/paving the drive;
- (iii) the provision of adequate drainage features;
- (iv) the provision of suitable bin collection facilities adjacent to the highway;
- (v) the provision of suitable lighting arrangements; and
- (vi) the provision of street name plates that shall include the words 'Private Drive';

which have been agreed in writing by the local planning authority. Once constructed the private driveway shall be retained.

# Reason

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

10.

Works shall not commence on site until wheel cleaning facilities, in accordance with details to be submitted to and approved in writing by the local planning authority, have been provided within the curtilage of the site, and this facility shall be retained for the duration of the works.

#### Reason

To prevent material being deposited on the highway and creating unsafe road conditions.

11.

No development shall begin until details of:

- (i) the layout, drainage, construction, services and lighting of the proposed access road, including the junction with the adjacent highway; and
- (ii) the number and location of vehicle parking space(s) on the site;

have been submitted to and approved in writing by the local planning authority.

#### Reason

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

12.

No dwelling on the site shall be occupied until the access road has been completed to at least base course level and adequately lit from the junction with the adjacent highway up to the access to the dwelling.

#### Reason

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

13.

No other works shall be commenced on the site until the access road junction with the adjacent highway, including the required visibility splays, has been set out and established.

#### Reason

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

14.

No dwelling on the site shall be occupied until the footway has been constructed up to base course level from the junction with the adjacent highway to the access to the dwelling.

#### Reason

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

15.

The penultimate dwelling on site shall not be occupied until the access roads have been completed.

#### Reason

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

16.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order revoking and reenacting that order with or without modification), no development shall take place within any service strip adjacent to any shared surface road, and any planting or landscaping within this service strip shall be of species which shall be agreed in writing with the local planning authority prior to planting.

#### Reason

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

17.

No development shall take place until a construction phase traffic management plan showing details of:

- (i) a pre/post construction condition survey of the carriageway to identify any defects and how they will be rectified;
- (ii) all associated traffic movements, including delivery vehicles and staff/construction movements:
- (iii) any abnormal load movements;
- (iv) contractor parking and welfare facilities;
- (v) storage of materials; and
- (vi) traffic management requirements, including the means of controlling the deposition of mud onto the adjacent highway, along with appropriate methods of cleaning the highway, as may be required;

has been submitted to and approved in writing by the local planning authority. Once approved the plan shall be implemented, reviewed and updated as necessary.

#### Reason

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

18.

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 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 North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

19.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 18 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 North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

20.

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 North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

21.

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 North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

# 22.

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

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 DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### 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, a 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 that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

#### 23.

Prior to the occupation of any dwelling on the site, 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 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 accordance with policy CS18 of the Core Strategy and the National Planning Policy Framework.

#### 24

Construction 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 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 safeguard residential amenity in accordance with policies DS1 of the North Lincolnshire Local Plan and CS5 of the Core Strategy.

25.

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 –

- (i) the works, and the method by which they are to be carried out;
- (ii) the noise and vibration attenuation measures to be taken to minimise noise and vibration resulting from the works, including noise limits; and
- (iii) a scheme for monitoring 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 –

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

- (i) site dust monitoring, recording and complaint investigation procedures;
- (ii) 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;
- (iii) provision of water to the site;
- (iv) dust mitigation techniques at all stages of development;

- (v) prevention of dust trackout;
- (vi) communication with residents and other receptors;
- (vii) a commitment to cease the relevant operation if dust emissions are identified either by regular site monitoring or by the local authority;
- (viii) a 'no burning of waste' policy.

#### Reason

To safeguard residential amenity in accordance with policies DS1 of the North Lincolnshire Local Plan and CS5 of the Core Strategy.

#### 26.

No development shall take place until a noise mitigation scheme has been submitted to and approved in writing by the local planning authority. As a minimum, the noise mitigation scheme shall include details of:

- (i) noise mitigation measures;
- (ii) predicted noise levels to be achieved at sensitive locations as a result of the noise mitigation scheme;
- (iii) how the noise mitigation scheme will be maintained for the lifetime of the development.

The noise mitigation scheme shall be implemented before occupation of the development and retained thereafter.

#### Reason

To safeguard residential amenity in accordance with policies DS1 of the North Lincolnshire Local Plan and CS5 of the Core Strategy.

#### 27.

Notwithstanding drawing number 17821-BSB-00-XX-DR-A-0032 (boundary treatments), prior to the occupation of the development, an acoustic barrier scheme shall be submitted to and approved in writing by the local planning authority. This shall include a detailed technical specification of the acoustic barrier(s) to be installed and details of the location, size and design of the barrier, with predicted noise reduction over the frequency spectrum. The approved acoustic barrier shall be installed prior to the residential use of this site commencing and shall be maintained thereafter.

#### Reason

To safeguard residential amenity in accordance with policies DS1 of the North Lincolnshire Local Plan and CS5 of the Core Strategy.

# 28.

Following installation of the mitigation measures required by conditions 26 and 27 above in accordance with the approved technical specifications, a verification report that

demonstrates the effectiveness of the mitigation measures shall be undertaken. It shall then be submitted to and approved in writing by the local planning authority.

#### Reason

To safeguard residential amenity in accordance with policies DS1 of the North Lincolnshire Local Plan and CS5 of the Core Strategy.

29.

No above-ground works shall take place until details have been submitted to and approved in writing by the local planning authority of the make, type and colour of all external facing materials for the development and only the approved materials shall be used.

#### Reason

To ensure that the development is in keeping with its surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

30.

Before occupation of any dwelling, the bathroom window(s) shall be obscure glazed to a minimum of Privacy Level 3 in accordance with the Pilkington Scale of Obscuration and shall be retained in that condition thereafter.

#### Reason

To safeguard privacy in accordance with policy CS5 of the Core Strategy.

31

No demolition or any other works affecting the warehouse identified in the submitted bat survey report shall commence until the local planning authority has been provided with either:

- (a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified development to go ahead; or
- (b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

#### Reason

To protect a bat roost in accordance with saved policy LC5 of the North Lincolnshire Local Plan and policy CS17 of the Core Strategy.

32.

Within three months of the commencement of development, the applicant or their successor in title shall submit a biodiversity management plan to the local planning authority for approval in writing. The plan shall include:

- (a) details of at least four bat roosting features to be installed;
- (b) details of nesting sites to be installed to support swifts and house sparrows on at least 10 dwellings combined;

- (c) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (d) prescriptions for the planting and aftercare of trees, shrubs and flowering plants of high biodiversity value;
- (e) proposed timings for the above works in relation to the completion of the buildings.

#### Reason

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

33.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. Prior to the occupation of the 10th and 35th dwellings, the applicant or their successor in title shall submit a report to the local planning authority providing evidence of compliance with the biodiversity management plan.

#### Reason

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

34

No above-ground works shall take place until proposals for landscaping have been submitted to and approved by the local planning authority.

#### Reason

To enhance the appearance of the development in the interests of amenity.

35.

All works indicated by the approved scheme of landscaping shall be carried out within the first planting season (1 October to 31 March) and seeding season (the month of September or April) following the granting of the permission or within such extended time period as may be agreed in writing by the local planning authority. Any trees or plants which, within a period of five years from completion of the landscaping, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species to those originally required to be planted, unless the local planning authority have given written consent to any variation.

# Reason

To secure the timely completion and successful establishment of the approved scheme of landscaping for the site in accordance with policies DS1 of the North Lincolnshire Local Plan and CS5 of the Core Strategy.

36.

No above-ground works shall take place until details for the disposal of foul water have been submitted to and approved in writing by the local planning authority. Thereafter only the approved scheme shall be implemented on the site.

#### Reason

To ensure satisfactory foul drainage disposal for the site.

#### **Informative 1**

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

#### Informative 2

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

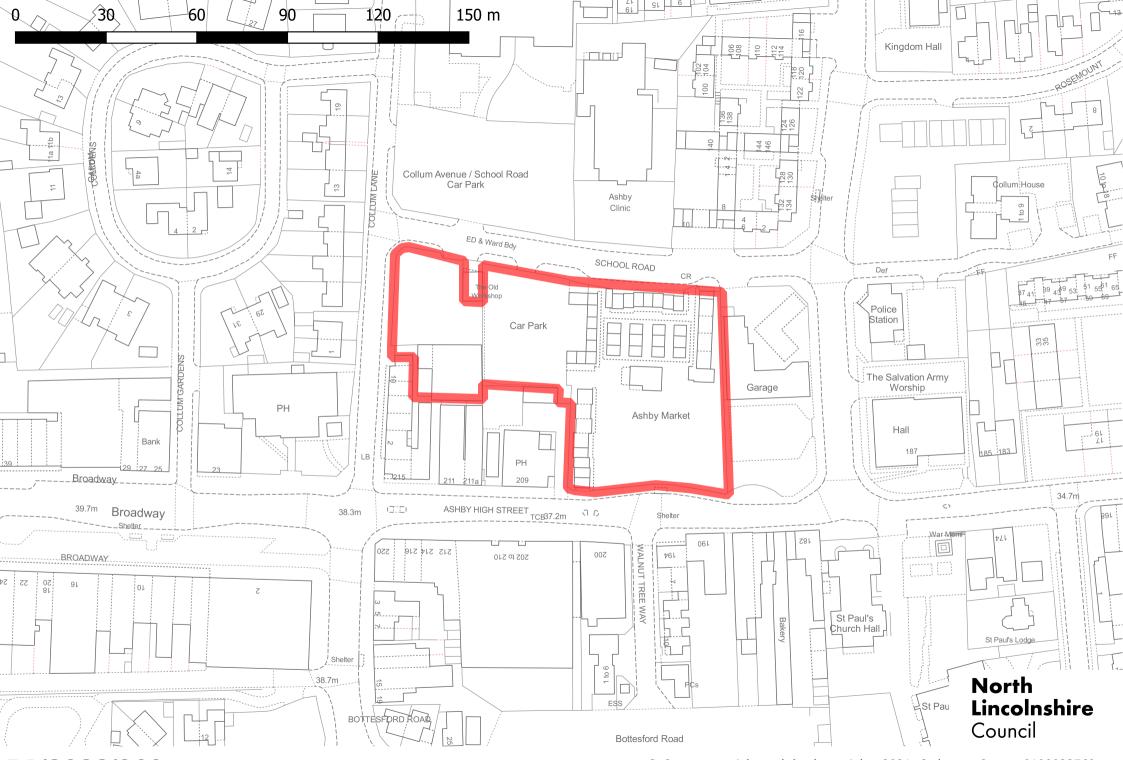
- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you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

#### Informative 3

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.

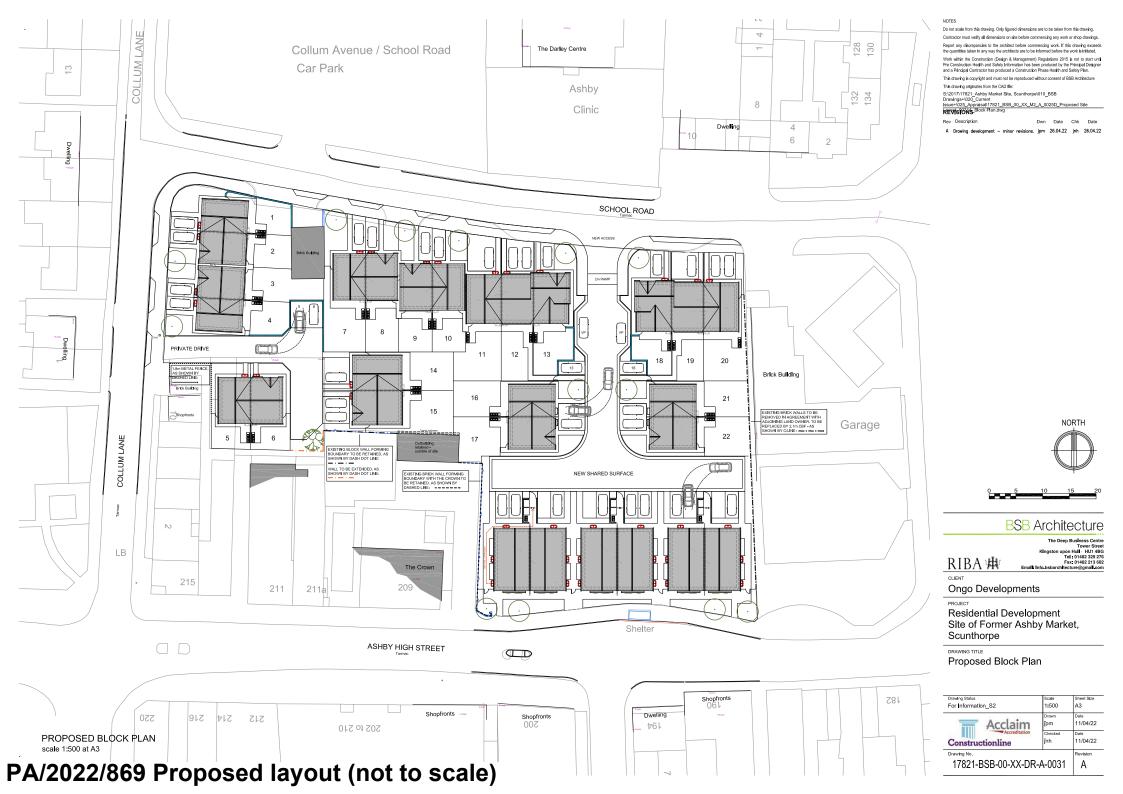
#### Informative 4

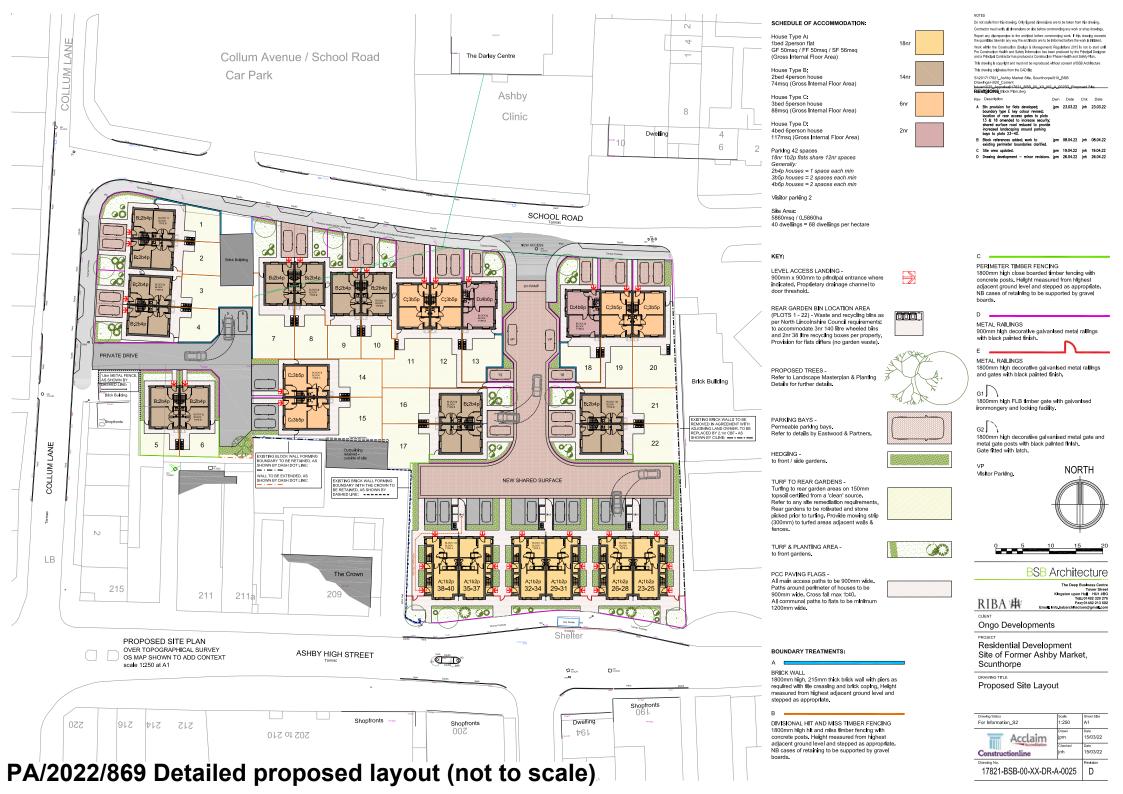
For your information the LLFA Drainage Team no longer permit the use of connected private surface water drainage systems which are reliant on one outfall/property owner, unless a robust adoption and maintenance plan is produced and made known to all property owners. The reliance on one owner to maintain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



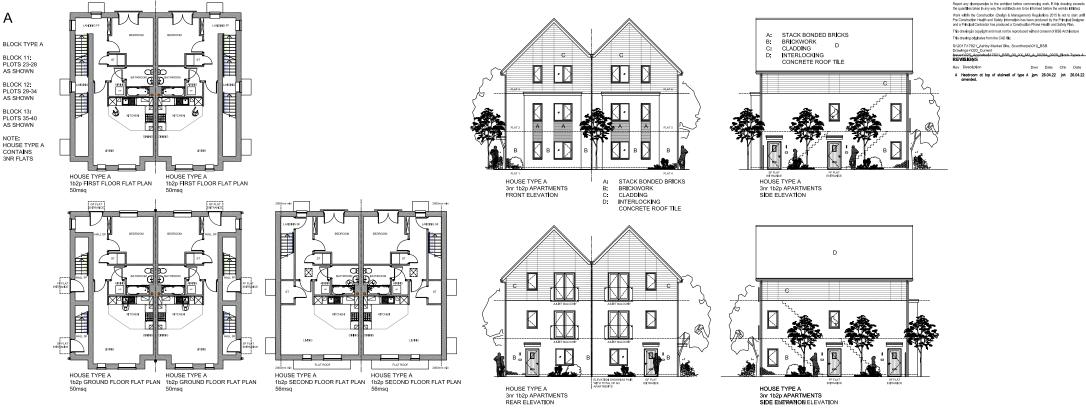
PA/2022/869

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# PA/2022/869 Block types A & B plans & elevations (not to scale)





В

BLOCK 11: PLOTS 23-28

AS SHOWN

BLOCK 12: PLOTS 29-34 AS SHOWN BLOCK 13: PLOTS 35-40 AS SHOWN NOTE:

BLOCK 4: PLOTS 7-8 AS SHOWN

BLOCK 5: PLOTS 9-10 HANDED

BLOCK 8: PLOTS 16-17 AS SHOWN

BLOCK 10: PLOTS 21-22 HANDED





Do not scale from this drawing. Only figured climensions are to be taken from this drawing.

Dwn Date Chk Date

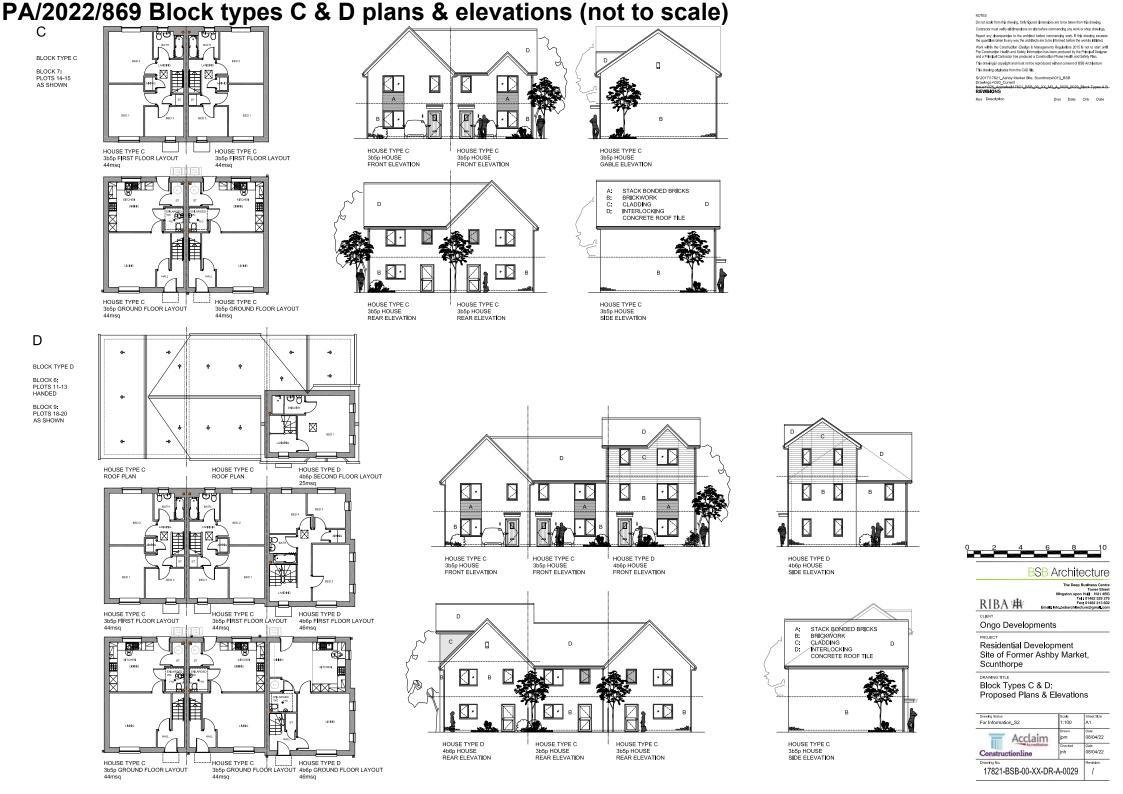
**BSB** Architecture RIBA 琳

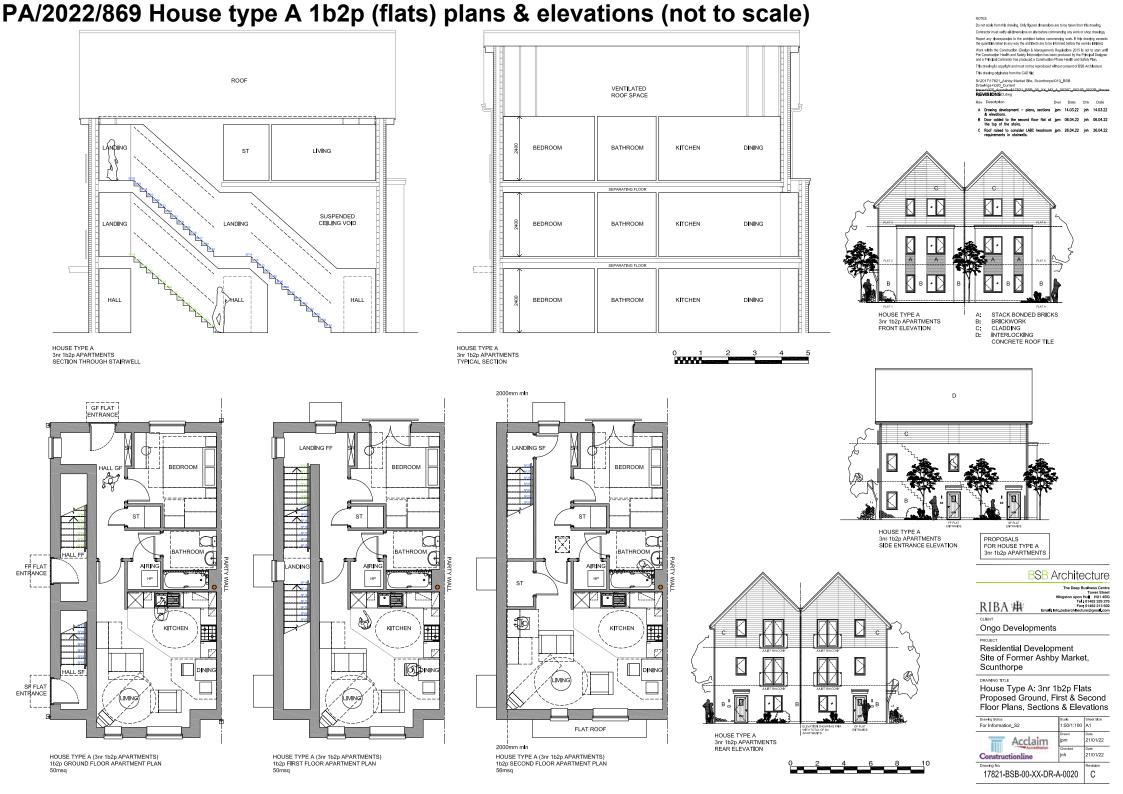
Ongo Developments

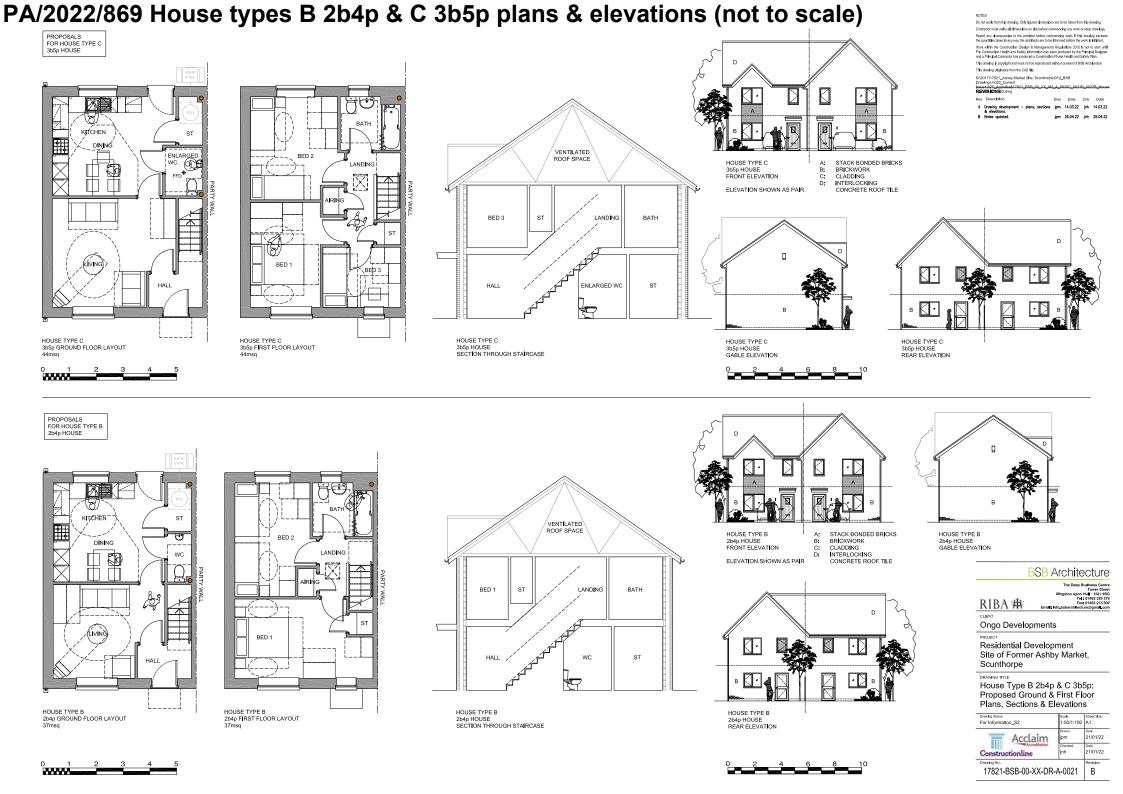
Residential Development Site of Former Ashby Market, Scunthorpe

Block Types A & B: Proposed Plans & Elevations

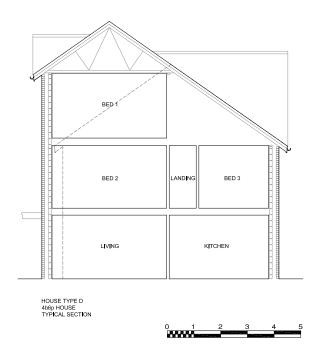
17821-BSB-00-XX-DR	Revision	
Constructionline	Checked	Date 08/04/22
- Acclaim	Drawn jpm	Date 08/04/22
Drawing Status For Information_S2	1:100	Sheet Size A1



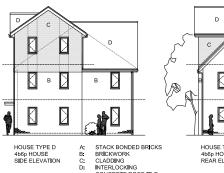


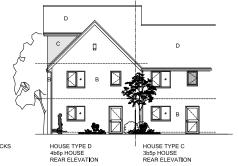


# PA/2022/869 House type D 4b6p plans & elevations (not to scale)









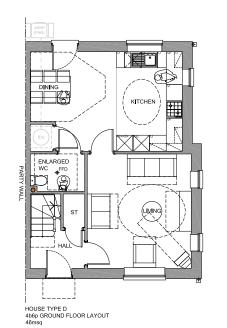


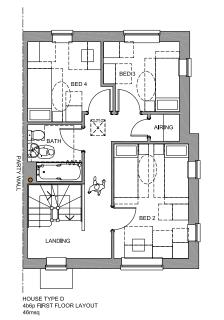
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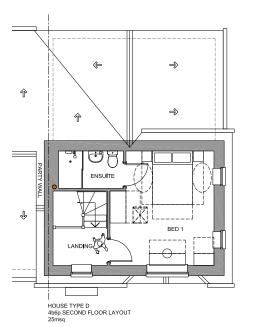
A Drawing development - plans, sections jpm 14.03.22 jnh 14.03.22 & elevations.

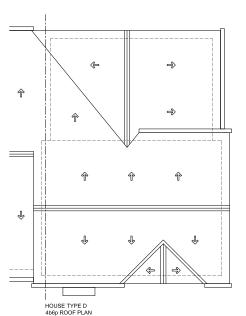
Dwn Date Chk Date

This drawing originates from the CAD file: S:12017\17821\_Ashby Market Site, Scunthorpe\010\_BSB









PROPOSALS FOR HOUSE TYPE E 4b6p HOUSE



RIBA # Em

Ongo Developments

#### Ongo Developments

PROJECT

Residential Development Site of Former Ashby Market, Scunthorpe

DRAWING TITLE

House Type D: 4b6p Proposed Ground, First & Second Floor Plans, Sections & Elevations

Drawing Status For Information_S2	Scale 1:50/1:100	Sheet Stze A1
- Acclaim	Drawn jpm	Date 21/01/22
Constructionline	Checked	Date 21/01/22
Drawing No. 17821-BSB-00-XX-DR	Revision B	