

APPLICATION NO	PA/2022/1139
APPLICANT	Faye Baker, Flourish With Us Ltd
DEVELOPMENT	Planning permission for the temporary change of use of offices and warehouse to a school for a period of 6 years
LOCATION	Roxburgh House, Clayfield Road, Scunthorpe, DN15 8RA
PARISH	Scunthorpe
WARD	Crosby and Park
CASE OFFICER	Jennifer Ashworth
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Christine O'Sullivan – significant public interest)

POLICIES

National Planning Policy Framework:

Section 2 – paragraphs 7, 8, 9, 10, 11, 12, 14

Section 3 – paragraphs 17, 18, 19, 29, 32, 35, 36, 37

Section 4 – paragraphs 47, 48, 49

Section 6

Section 8

Section 11

Section 12 – paragraphs 123, 111

Section 15 – paragraphs 185, 186, 187.

North Lincolnshire Local Plan:

IN2 – Alternative Uses of Industrial and Commercial Sites in the Urban Area and Principal Growth Settlements

C3 – Planning for Accessibility

T2 – Access to Development

T19 – Car Parking Provision and Standards

DS1 – General Requirements

DS3 – Planning Out Crime

DS7 – Contaminated Land

DS11 – Polluting Activities

DS13 – Ground Water Protection and Land Drainage

DS14 – Foul Sewage and Surface Water Drainage

DS16 – Flood Risk.

North Lincolnshire Core Strategy:

CS1 – Spatial Strategy for North Lincolnshire

CS2 – Delivering More Sustainable Development

CS3 – Development Limits

CS5 – Delivering Quality Design in North Lincolnshire

CS13 – Life Long Learning and Skills

CS17 – Biodiversity

CS19 – Flood Risk.

Housing and Employment Land Allocations DPD (2016):

PS1 – Presumption in Favour of Sustainable Development

The site lies within the development limits of Scunthorpe as shown on the Proposals Map.

CONSULTATIONS

Highways: Initially had no significant concerns with the principle of the development but did request additional information in relation to the number of pupils, how pick-up/drop-off would be managed and with regard to vehicles waiting on the highway. Also had reservations regarding the building being used as a 'mainstream' school in the future and suggested a condition restricting usage to prevent this. A similar condition was applied to PA/2016/0060.

Following the submission of further information, Highways have continued to raise concerns regarding the proposals and the effective operation of the site with regard to drop-off/pick-up. No information has been provided on the number of expected vehicle movements. They have raised concern regarding adequate space within the site for all vehicles and whether vehicles would need to queue. From the information submitted Highways are not convinced there is sufficient width for two vehicles to pass each other and have concerns the site would become gridlocked. The team would not wish to see traffic queuing on Clayfield Road to enter the site.

LLFA Drainage: No objection but recommend an informative in relation to surface water drainage and the existing pipe network.

Environmental Protection: Object.

The original application was not supported by a noise impact assessment or air quality assessment and both were requested by the team. In relation to contamination, the proposal is identified as a sensitive end use on land which has historically been used for commercial or industrial purposes, and the site therefore has potential to have been impacted upon by contaminants. As such, a full contamination condition was recommended.

Following the submission of additional information, in relation to air quality the site is assessed as suitable for the proposed use and no further comments have been made. In relation to noise, a complete assessment with reference to BS4142 is required. In the absence of this information it is recommended that the application be refused.

Education: No objection to the relocation to this proposed site. This does not constitute any commitment for North Lincolnshire Council to commission places in the future from this provider.

PUBLICITY

Site notices were displayed on receipt of the original application and following the submission of additional information. One response has been received; however, the comments were made anonymously and the council's website specifically states that as the planning process has to be transparent and open, anonymous comments will not be considered.

ASSESSMENT

Planning history

PA/2014/1320: Planning permission to erect a sprinkler water tank and associated pump house structure on existing parking area – approved 15/01/2015

PA/1999/0525: Planning permission to erect an office link to first floor – approved 09/06/1999

6/1994/0230: Further expansion of factory – approved 20/09/1994.

Constraints

The site is not within a conservation area and there are no listed buildings or tree preservation orders on or within close proximity of the site.

The site is within SFRA flood zone 1.

Proposal

Permission is sought for the change of use of an existing building, Roxburgh House, to a school for a temporary period of six years. The applicant has confirmed that the school will seek to offer high quality, special education services to students with social, emotional and mental health needs. The proposed school will provide up to 140 places for children in key stages 1–4. Key stage 1 and 2 pupils will arrive at the school between 8.50am and 9.15am

and leave between 2.30pm and 3pm. Key stage 3 and 4 pupils will arrive between 9.15am and 9.45am and leave between 3pm and 3.30pm.

The applicant confirms within their Design and Access Statement that the proposals do not seek to alter the external appearance of the building. The submitted plans demonstrate that the existing offices on the first floor will be utilised as class rooms, a play area and sensory room whilst the ground floor will see the existing warehouse floor area be converted as an area of indoor play and offices changed to include a staff meeting room, canteen, quiet room, kitchen, class rooms, break out room and an admin office. The WCs on both floors will remain. The larger of the two warehouse spaces on the ground floor will be reserved as an area for future expansion. No further information is provided regarding this area.

In relation to outdoor space, no changes are proposed to the existing parking/access arrangements for the site. The existing entrance into the building will be used to serve the school. A secure outdoor play area is proposed to the south of the main building with access from the proposed indoor play area. No details have been provided in relation to proposed fencing/gates etc. for this area.

The applicant has confirmed that the existing site boundaries will remain unchanged.

The supporting Design and Access Statement confirms there is no landscaping on the site at present, and these proposals do not seek to alter or enhance this.

Staff are likely to arrive by private car, although cycling and public transport will be encouraged and all pupils will arrive by private taxi. There will be no buses or pupils arriving on foot or by bicycle. Staff and visitor parking will be clearly identified, although no plan has been provided to demonstrate this. The Transport Statement suggests staff will park in the existing car park and use additional parking available on Atkinson Way. It has been indicated within the application form that 20 full-time and 5 part-time staff will be employed on the site.

External lighting is provided around the site. No details have been provided of hours of operation.

Site

The application site is within the Foxhills Industrial Estate located off the A1077 Phoenix Parkway. Foxhills Industrial Estate comprises a mix of existing commercial and industrial businesses to the north, east and west of the application site. The application site is on the southern entrance to the estate which provides one of the main access points into the industrial area. This access is frequently used by a range of vehicles, including HGVs.

Further south of the industrial estate, beyond the A1077 Phoenix Parkway are a mix of uses including a care home and residential development.

Principle of development

In terms of the advice given in the NPPF, the site is a brownfield within a sustainable location. The site is on a main bus route to the town centre, and railway and bus station. There are opportunities for cycling and walking to the site. A transport statement/travel plan has been submitted with the application.

In terms of the Core Strategy, the site is within the development boundary of Scunthorpe and within a sustainable location for this type of development. The site is accessible by a variety of modes of transport and the school intends to transport pupils via private taxis. The site is not allocated for any specific land use although it is within an established industrial estate. The site is surrounded by existing industrial and commercial buildings and no similar uses existing in the vicinity. The proposal seeks to bring a vacant building back into use, bringing educational and employment opportunities to the site and providing long-term employment for staff of the school. Employees may in turn use shops and services within Scunthorpe which would benefit the local economy. The proposed use would provide an alternative education facility for the area.

In terms of the North Lincolnshire Local Plan, policy IN2 seeks to allow the change of use of industrial/commercial sites provided that: attempts have been made to sell the site on the property market for 12 months prior to the application being made; its retention for employment use has been fully explored without success; and any future use would not harm residential amenity, cause highway or traffic problems, or have other significant adverse environmental effects. In this case the applicant has provided evidence to suggest that the property has been marketed since 15 October 2019; however, demand for the building has been difficult to secure. PPH Commercial have advised that the building does not meet current requirements with too much office floor space within the unit. The eaves height is also relatively low in terms of modern standards for warehousing. Also, the properties are interconnected by way of a doorway which is not ideal as it disrupts flow, whether that be for production and/or warehousing. It is also felt that the site coverage is high (around 75%). There is no room for expansion and limited room for servicing. The size of the property (in excess of 4,645 square metres) is also large for the characteristics of the North Lincolnshire market unless it is for warehouse/distribution use.

The proposed school is an employment generating use, the applicant suggesting that 20 full-time and 5 part-time jobs will be created on the site as a result of the development.

The site is away from residential properties so there will be no impact on residential amenity. However, the proposed use is considered to be sensitive in nature and at paragraph 187 the NPPF is clear in that "Planning policies and decisions should 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 (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."

In terms of highway safety, further information has been requested in order to assess the effective operation of the site with regard to drop-off/pick-up. No information has been provided in relation to the number of expected vehicle movements and concern has been raised as to whether there is adequate space within the site for all vehicles and whether vehicles would need to queue. The applicant has suggested the site has capacity for 140 children with a further 25 staff. It is also confirmed that 25 staff are likely to arrive by private car, although public transport will be encouraged, and 140 children will be brought to site by private taxi; no details have been provided as to whether these will be on a shared or individual basis. From the information submitted Highways are not convinced there is sufficient width for two vehicles to pass each other and have concerns the site would become gridlocked. There are also concerns that the proposal could result in traffic queuing

on Clayfield Road waiting to enter the site. This could lead to issues and place a burden/adverse effect on the wider industrial estate.

Concerns have also been raised in relation to the potential for impacts from noise. The site is within the existing established Foxhills Industrial Estate, directly adjacent to existing businesses to the north, east and west. Children are identified as sensitive receptors and effects from noise within schools include speech interference, disturbance of information extraction, message communication and annoyance. The proposed development would introduce a noise sensitive receptor in close proximity to existing businesses. As per paragraph 187 of the NPPF, the agent of change principle applies which seeks to ensure no hindrance to existing and established businesses neighbouring a development from the introduction of a noise sensitive receptor. Environmental Protection are not satisfied with the level of information provided to conclude that the proposed use is acceptable at this location. A full and complete assessment with reference to BS4142 is required before they can comment further and in the absence of this information they recommend refusal of the application.

Policies CS1 and CS2 are clear that all future growth, regardless of location, should contribute to sustainable development and all change will be managed in an environmentally sensitive way by avoiding/minimising or mitigating development pressure on an area's natural and built environment, its existing utilities and associated infrastructure. Where development unavoidably has an environmental impact adequate mitigation measures should be used for the development to be acceptable. Environmental impacts to or from development that cannot be avoided should be adequately mitigated for it to be acceptable. Whilst the applicant has proposed mitigation measures in relating to noise (a sound insulation scheme), these may not be adequate given the lack of a BS4142 assessment as is required and recommended.

Policy CS5 is also clear in that development proposals should not lead to the unacceptable loss of amenity to neighbouring land uses. Policy DS1 addresses this further and notes that there should be no conflict with an allocated or approved land-use proposal in the locality nor should the reasonable potential for development of a neighbouring site be prejudiced. Whilst the proposed use itself would not result in noise, smell, fumes or dust impacts the sensitive nature of the use could result in unnecessary burdens on existing businesses within the industrial estate.

Concern is raised in relation to whether the proposed use, regardless of other environmental impacts, is appropriate within an existing industrial estate. This concern was raised with the applicant and agent during the early stages of the application process. The officer set out that regardless of technical information being requested there was still a concern that the development of a school of this nature within an existing industrial estate raised concerns that the two uses are not considered compatible. The placing of children within an environment which is dominated by noisy industrial uses, served by a range of large HGVs throughout the day and close to a main highway, is considered to conflict with a school which offers places to children with social, emotional and mental health needs. Schools of this nature raise additional concerns to a main stream school, matters which have not been addressed within the supporting statements. Children with social, emotional and mental health needs often require more time for regulation and addressing sensory needs and some pupils can often seek to abscond on arrival and when leaving the school, and also throughout their time at school. Given the location of the site within an existing industrial use and close to a main highway, such abscondment could lead to health and safety, and welfare concerns, of individual children. No information has been provided to

demonstrate how the school would be managed to ensure the safety and welfare of children should such abscondments occur. Such abscondments can result in children walking around the local area or making attempts to find a place where they feel safe. Where children do not know the area they could find themselves walking around the industrial estate which raises safety concerns. The applicant has not provided an assessment of alternative sites which might be more suitable than the proposed site.

The proposed development is considered to conflict with the surrounding land uses which are industrial in nature. The safety and welfare of the children is a key concern in this location. Paragraph 8 of the NPPF places a social objective on development with a requirement for well designed, beautiful and safe spaces that reflect current and future needs and support communities' health, social and cultural wellbeing. This is continued further in section 8 of the NPPF which requires the promotion of healthy and safe communities with places that are safe and accessible. Whilst section 8 encourages the provision of education and sufficient school places this must be done so on appropriate sites in safe locations. It is considered that the proposed development would fail to achieve this target of sustainable development.

The applicant, in their supporting information, states, "Children placed with us have all experienced trauma, research has proven numerous times that spending time outdoors, using the natural environment to enhance teaching and learning and giving children opportunities to play and explore reduces the impact of trauma over time. That alongside the expertise of our staff team will greatly enhance the life chances of the children we provide a service for."

The supporting Design and Access Statement confirms that there will be no changes to the existing landscaping at the site and no additional landscaping is to be provided. Whilst an area of outdoor space is shown on the plans, no details of this are provided and it is assumed this will be an area of concrete playground. This level of outdoor space appears to conflict with the above statement "spending time outdoors, using the natural environment". The supporting report by PPH Commercial also highlights that the site coverage is high (around 75%), a lot of the space being taken up by car parking and circulation. The area of available space for outdoor play for 140 pupils appears to be low. There appears to be little or no opportunity for children to access nature/areas of green space within the site and given it is within an existing industrial area this opportunity is limited further.

The proposal is only for a temporary period of six years. The level of refurbishment required and potential mitigation to address noise and highway concerns could result in large costs. It could be viewed as unreasonable given the permission is only for a short period of time.

The proposal accords with policy CS3 in that the site is within the development limits and seeks to make use of an existing brownfield site.

However, it fails to accord with policies CS1, CS2 and CS5 of the Core Strategy, IN2, DS1, T1, T2 and T3 of the North Lincolnshire Local Plan, and paragraph 187 of the NPPF.

It also fails to accord with DS1, T1, T2 and T3 which will be discussed in more detail in the highway and environmental protection sections of this assessment.

Education

In terms of education, concerns have been raised in relation to the amount and type of external outdoor play areas being provided within the site. The application is for a change of

use and the applicant has shown an area of outdoor play, however no details have been provided as to the finish of this area. The accompanying Design and Access Statement confirms no landscaping proposals are proposed.

Concerns have been raised regarding the suitability of the site, within an existing established industrial estate, for a change of use to a school serving children with social, emotional and mental health needs. The council's understanding of such sites is that they are sensitive in nature and children require quiet and calm spaces to allow them to flourish. The nature of industrial estates is that they are noisy, smelly and include a high volume of HGV traffic.

The applicant has not provided a plan to show the breakdown of parking spaces for staff and visitors or an area for drop-off/pick-up. Concerns have been raised regarding the ability to accommodate parking and drop-off/pick-up within the site without a need for vehicles to queue within the wider road network.

The Education department has commented noting the application is for an independent special school. The local education authority does commission some places from this provider at their current site in Winterton. There are currently 12 pupils on roll at the Winterton site according to GIAS with capacity for 35 and the latest published Ofsted report highlights that the school 'Requires Improvement' following their inspection in December 2021.

Whilst the Education department has confirmed they would not object to the relocation to the proposed site they have confirmed this does not constitute any commitment for North Lincolnshire Council to commission places in future from this provider.

Design

Policy DS1 requires a high standard of design in all developments in both built-up areas and the countryside, and proposals for poorly designed development will be refused. The applicant does not seek to alter the external design of the building or propose any additional landscaping at the site.

Given the site is proposed for a future school it is considered that whilst the existing site is appropriate within this context the use of the site as a school would demand a much higher quality environment for its users.

No information has been provided in relation to the materials to be used for the area of outdoor play.

Policy CS13 requires proposals for educational facilities to be of high-quality design, well related to neighbourhood services and amenities and easily accessible by sustainable transport modes. Whilst the site is within a sustainable location it is not considered to be well related to neighbourhood services and amenities. Equally, no additional design features have been included to seek to raise the design quality of the building for its intended users. A school of this nature provides education and services to children with social, emotional and mental health needs. Providing an attractive environment should be a priority for such learning to take place. It is considered that little attempt has been made to improve the environment within this location to provide a high quality design and environment for pupils.

It is considered that the proposal conflicts with the provisions of policies CS13 of the Core Strategy and DS1 of the local plan.

Highways

NPPF paragraph 104 is clear that parking and other considerations are integral to the design of schemes. Paragraph 110 discusses the need to ensure sustainable modes of transport are taken up, safe and suitable access to the site can be achieved for all users, any significant impacts from the development on the transport network (in terms of capacity and congestion) or on highway safety can be cost-effectively mitigated to an acceptable degree. Paragraph 111 notes development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 113 states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed. The highways team have raised concern regarding highway impact and require additional information on which to base their assessment and decision. This information is yet to be provided by the applicant.

Policy CS25 is relevant and discusses the need to promote sustainable transport. The site is within a highly sustainable location in relation to the existing highway network and public transport which serves it. The policy does require transport demand management to take place to reduce car-based travel and ensure highway safety. The nature of the school is such that pupils require to be transported to school by private transport; however, the applicant has confirmed they do look to share where possible. Further information is required in relation to the management of highway safety at the site, including vehicle movements, drop off and collection points, and allocation of parking spaces.

Policy T1 relates to the location of development, with development proposals which generate a significant volume of traffic movement permitted provided they are located in the urban area of Scunthorpe with good foot, cycle and public transport provision, which this site is/has.

Policy T2 refers to access to development, with all development requiring satisfactory access and larger developments being readily accessible by a choice of transport modes, existing public transport services and infrastructure, and links to the existing highway network. Again, the site is well served by existing highways and alternative modes of transport. Further assessment of satisfactory access is needed and discussed below.

Policy T3 requires developers of major schemes to provide transport assessments which assess the likely modal split of journeys to and from the site, provide details of measures proposed to improve access to public transport, walking and cycling, and reduce the number and impact of motorised journeys associated with the proposal.

The council's Parking Provision Guidelines for New and COU developments is also relevant. This guidance requires consideration of the needs of disabled people with 1 space where there is less than 20 spaces in total and 2 spaces where there is more than 20 spaces in total. The proposal addresses this. The scheme also provides cycle storage on site. In considering the design of car parks:

- All parking bays should be permanently marked out and access and exit routes signed as appropriate. All bays for private cars should be 5.0m x 2.4m except for those for the disabled and other special groups.
- Service vehicle access should be distinct and wherever possible separate from private car parking.
- Staff parking should be separate from customer parking, where practical.
- The parking bay layout should be such that vehicle queuing onto the adjacent public highway does not occur.
- Primary and secondary schools generally 1 space per 4 staff plus 1 space per 30 pupils, but will be assessed individually.

In terms of highway safety, the applicant has provided a Travel Statement; however, the Highways team suggests this fails to provide sufficient information to allow a detailed assessment to be made. The applicant has confirmed the school will have capacity for 140 children with 25 full-time and 5 part-time staff. No detailed plans have been provided to demonstrate how school drop-off/pick-up will occur and be managed at the site and how parking spaces will be provided for staff and visitors. It is suggested that car parking off Atkinsons Way is available if required, but again no plan has been provided to indicate where this parking is.

The supporting Travel Statement notes that:

- Key stage 1 and 2 pupils will arrive at the school between 8.50am and 9.15am and leave between 2.30pm and 3pm.
- Key stage 3 and 4 pupils will arrive between 9.15am and 9.45am and leave between 3pm and 3.30pm.
- Pupils arrive by various modes of transport, but mainly individual taxis, mini-buses and private car.
- Staff will arrive by private car but will be encouraged to travel by alternative uses such as public transport/cycling.

The supporting statement suggests that most of the industrial buildings locally operate 24 hours a day, with shift patterns generally following the 6am–2pm, 2pm–10pm and ‘nights’. As a result, traffic movement is highest around 6am, 2pm and 10pm. Other businesses generally operate standard 8am–6pm working hours. In comparison the school peak traffic will be around 9am and 3.30pm. Whilst this may be the case, the applicant has failed to take account of access to the industrial estate by deliveries, visitors and other users throughout the day.

Highways have raised concern and requested additional information in relation to the number of pupils and how drop-off/pick-up would be managed, and raised concerns in relation to vehicles waiting on the highway. They also have reservations regarding the building being used as a ‘mainstream’ school in the future and suggest a condition restricting usage to prevent this. A similar condition was applied to PA/2016/0060.

Following the submission of further information, Highways continue to raise concerns regarding the proposals and the effective operation of the site with regard to drop-off/pick-up. No information has been provided regarding the number of expected vehicle movements. The team also raise concern regarding adequate space within the site for all vehicles and whether vehicles would need to queue. From the information submitted Highways are not satisfied there is sufficient width for two vehicles to pass each other and raise concerns that the site would become gridlocked. The team would not wish to see traffic queuing on Clayfield Road to enter the site.

It is considered that additional information is required to allow the team to make a robust assessment of the site in relation to highway safety. As such the proposal is contrary to paragraphs 110, 111 and 113 of the NPPF, and policies IN2, DS1 and T2 of the local plan, in that it cannot demonstrate that it provides satisfactory access or that there would be no impacts on the wider highway network such as from queuing or on highway safety.

Environmental Protection

The Environmental Protection team have assessed the proposals in relation to noise, air quality and contamination. Each will be discussed in turn below:

Noise

Due to the sensitive nature of the proposal and the location of the site within the Foxhills Industrial Estate, directly adjacent to existing businesses to the north, east and west, a noise impact assessment was requested prior to determination.

The supporting Noise Impact Assessment (Nova Acoustis, dated 29/09/22 reference 8406KA) has been reviewed by the team.

They have confirmed that the World Health Organisation Guidelines for Community Noise recommend the following noise levels for schools: 35dB (LAeq) indoors during class and 55dB (LAeq) in the playground. There is, therefore, the potential for the proposed school to be impacted by noise from the existing industrial estate.

The proposed development would introduce a noise sensitive receptor in close proximity to existing businesses. As per paragraph 187 of the NPPF, the agent of change principle applies which seeks to ensure there is no hinderance to existing and established businesses neighbouring a development from the introduction of a noise sensitive receptor.

The submitted report has not been carried out in accordance with the council's requirements with reference to BS4142:20 + A1:2019 Methods for rating and assessing industrial and commercial sound and no justification has been provided for this omission.

A BS4142 assessment allows for penalties to be applied if required which may have an impact on the final noise levels on which the assessment is based. Using ambient sound levels in isolation may result in an underestimation of impacts which may lead to adverse noise impact at the school and complaints with regard to existing businesses in close proximity.

It is also prudent to advise that the author of the noise impact assessment states the following on their website: "BS4142 will also apply if you are developing new sensitive premises, including residential houses or flats, schools, healthcare or hotels, in close proximity to existing industrial or commercial noise sources."

It is therefore unclear why a BS4142 assessment hasn't been undertaken in this circumstance.

Based on ambient sound levels, a sound insulation scheme has been provided and considers that providing the recommendations specified are implemented, internal and external noise levels are expected to be within the given criteria. However, the recommended mitigation measures may not be adequate given the lack of a BS4142 assessment as above.

The assessment makes reference to Building Bulletin 93 (BB93) which was updated in 2014 and is the current design standard applicable to compliance with the Building Regulations and the School Premises Regulations. It is understood from the application that the school will offer places for children with social, emotional and mental health needs. BB93 states that:

“For the purposes of this document, children with special hearing or communication needs may include, but are not limited to (dBx emphasis), children with permanent hearing impairment; or with severe or complex needs including:

- speech, language and communication difficulties
- visual impairments
- fluctuating hearing impairments caused by conductive hearing loss
- attention deficit hyperactivity disorders (ADHD)
- an auditory processing disorder or difficulty
- being on the autistic spectrum.”

The upper limit for Internal Ambient Noise Levels for a Special Education Needs and Disability (SEND) Group Room, or room specially intended for students with special hearing and communication needs is 30dB, which is 5dB lower than the figure quoted in the report.

No commentary has been provided on the applicability of this standard.

To provide a robust analysis the internal and external sound levels will be assessed using the loudest 30-minute (LAeq,30min) measurement periods during operational hours. Operational hours of the school have not been provided.

In order to characterise the sound profile of the area at the proposed development, an environmental sound survey was carried out from 14/09/22 to 15/09/22, which is a Wednesday and Thursday. The assessment was undertaken over a relatively short time period and it is therefore not possible to conclude whether this provides a representative scenario of the area.

It is reported that the area surrounding the site is primarily commercial in nature, with the dominant noise source being traffic flow. The noise profile is consistently high throughout the day. Other noise includes commercial activity from neighbouring businesses – plant units were noticed on various buildings surrounding site; however, it is reported that none were audible at the facade due to road traffic emissions.

However, it is noted from the results that the LAeq levels are 5dB higher further into the industrial estate nearer to the commercial premises than at the monitoring location nearest the A1077. Also, the background noise levels are 4dB higher at the monitoring position further into the industrial estate away from the A1077. The figure nearer to the traffic has been subjected to a distance correction to give a façade result; however, this does not account for why the noise levels may be higher on site, i.e. due to plant or other industrial noise. No discussion has been provided.

The remainder of the report discusses a Noise Break-in Assessment and Sound Insulation Scheme. However, without reference to a BS4142 assessment it is not possible for the Environmental Protection team to ascertain whether the mitigation measures suggested are adequate.

A full and complete assessment with reference to BS4142 is required before they can comment further. In the absence of this information, the team recommends refusal of the application.

The proposal in this regard does not accord with advice given in the NPPF, and policies IN2 and DS1 of the North Lincolnshire Local Plan.

Air quality

The application site is directly opposite the busy A1077 (Phoenix Parkway) and within an existing industrial estate. Therefore, in order to adequately assess the suitability of the site in relation to local air quality and whether any mitigation is required, Environmental Protection have requested the applicant submit a site-specific air quality assessment prior to determination. The supporting Air Quality Assessment - Clayfield Road, Scunthorpe, Client: Flourish With Us Ltd, Reference: 5992r1, Date: 26th September 2022, confirms the baseline conditions at the site and considers the location suitability for the proposed end user.

The assessment concludes that pollutant concentrations are below the relevant Air Quality Objectives (AQOs) and Air Quality Limit Values (AQLVs) at the proposed development site for the following reasons:

- the site is not located within an AQMA
- the site is distanced from major pollutant sources
- review of local monitoring results has indicated likely compliance with the AQOs for NO₂ and PM₁₀ at the development; and
- predicted background concentrations are below the relevant AQOs and AQLVs.

No further comments have been raised by Environmental Protection and the conclusions of the report are considered acceptable. As such, the site is considered suitable for the proposed use from an air quality perspective. The proposal in this regard accords with advice given in the NPPF and policy DS1 of the North Lincolnshire Local Plan.

Contamination

The comments made by Environmental Protection are noted and the applicant is aware of the potential for contamination on the site. The applicant wishes to secure permission for

the change of use of the building before carrying out contamination surveys and assessments. The applicant is aware that a contamination condition would be imposed should permission be granted to safeguard the end user of the site. In this case, a condition would be used due to the economic benefits of bringing a redundant building back into use and providing potential employment opportunities for residents in Scunthorpe which override the need to provide a phase 1 assessment at application stage. The proposal in this regard accords with advice given in the NPPF, and policies DS1 and DS7 of the North Lincolnshire Local Plan.

Conclusion

The proposed development is sensitive in nature and is proposed within an existing established industrial estate. Insufficient information has been provided to allow a robust assessment of the highway or noise impacts to be fully explored. It is also considered that the nature of this sensitive use is not compatible with the adjoining industrial land uses and has the potential to result in safety concerns for staff and pupils, as well as placing unnecessary burdens on existing uses such as queuing vehicles on the highway, children walking within the industrial estate environment, the use requiring a noise sensitive location, and insufficient/suitable outdoor amenity/landscaping and space and therefore not being conducive to a learning environment.

RECOMMENDATION Refuse permission for the following reasons:

1.

The proposed development is sensitive in nature and would be located within an existing established industrial estate. The development would provide education for children with social, emotional and mental health needs. It is therefore considered to conflict with the surrounding land uses which are industrial in nature and would not provide a safe environment for children, staff and visitors, regardless of their background. The safety and welfare of children is a key concern in terms of the proposed location. It is considered that an alternative site should be chosen for this type of development. No provision has been allowed to address the external appearance of the site nor have any landscaping proposals been provided. Due to its location the proposed development would conflict with policies CS1, CS2 and CS13 of the North Lincolnshire Core Strategy, IN2 and DS1 of the North Lincolnshire Local Plan, and Section 8 and paragraph 187 of the National Planning Policy Framework.

2.

The proposed development seeks the conversion of an existing industrial building for use as a school. No changes are proposed to the external building or in relation to the access/parking provision within the site. Insufficient information has been provided to allow the council to make a robust assessment of the site in relation to highway safety, access and impact on the wider highway network. As such the proposal is contrary to paragraphs 110, 111 and 113 of the National Planning Policy Framework, policies IN2, DS1 and T2 of the North Lincolnshire Local Plan, and policies CS1 and CS2 of the North Lincolnshire Core Strategy.

3.

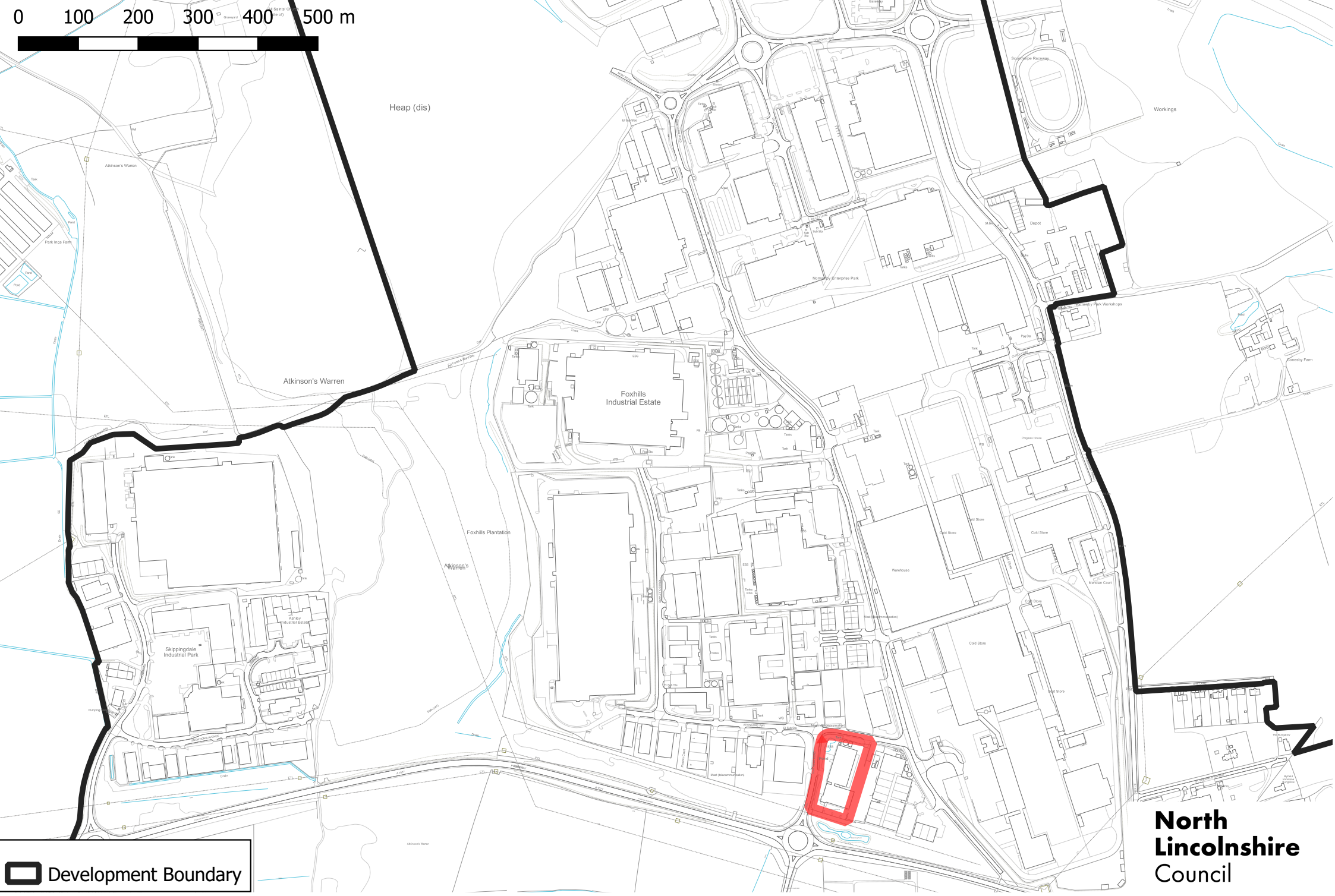
The site is within the existing established Foxhills Industrial Estate, directly adjacent to existing businesses to the north, east and west. Children are identified as sensitive receptors and the noise effects within schools include speech interference, disturbance of information extraction, message communication and annoyance. The proposed

development would introduce a noise sensitive receptor in close proximity to existing businesses. As per paragraph 187 of the National Planning Policy Framework (NPPF), the agent of change principle applies which seeks to ensure no hinderance to existing and established businesses neighbouring a development from the introduction of a noise sensitive receptor. A full and complete noise impact assessment with reference to BS4142 is required to confirm that there are no noise impacts related to the scheme. For these reasons, in this regard, the proposal does not accord with advice given in the NPPF (paragraphs 185 and 187), policies IN2 and DS1 of the North Lincolnshire Local Plan, and policies CS1 and CS2 of the North Lincolnshire Core Strategy.

Informative

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.

0 100 200 300 400 500 m



 Development Boundary

PA/2022/1139

**North
Lincolnshire
Council**

All dimensions & details given on this drawing are to be checked and verified on site prior to works being undertaken. Any discrepancies and/or variations to the specifications will be agreed in writing with keystone architecture.

Do not scale from these drawings - it is about + or -.

All materials shall be fixed, applied or mixed in accordance with the manufacturers written instructions, recommendations and specifications, variations to specified materials shall be agreed in writing with keystone architecture.

The Contractor shall take into account everything necessary for the proper execution of the works and to the satisfaction of the Local Authority, whether or not indicated on the drawings or in the specification.

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PARTY WALL NOTICE(S)

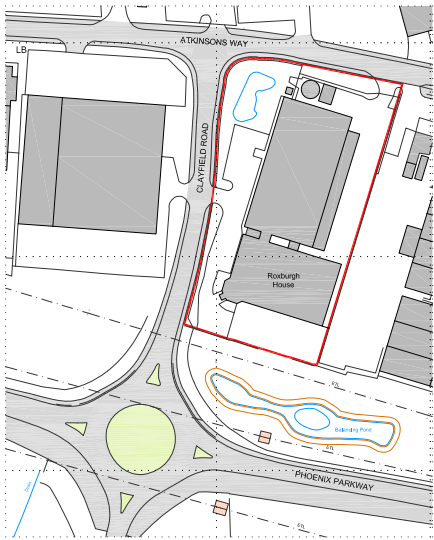
Building outside (A) or against (B) the boundary line:

If you plan to build a party wall outside or against the boundary line, you must inform the Adjoining Owner by serving a Notice.

Excavating near neighbouring buildings:

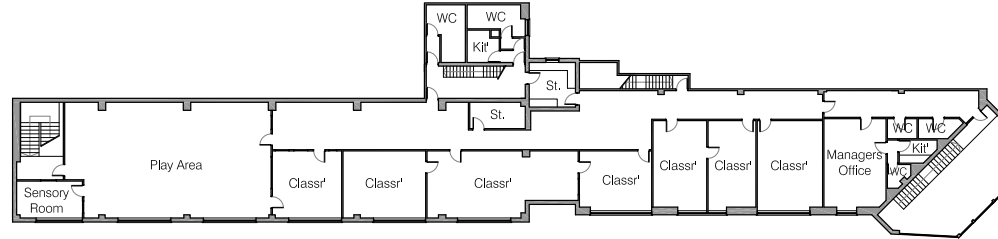
If you plan to excavate foundations within 3 metres of a neighbouring building or structure, where the excavation will go deeper than the neighbour's foundations, you must inform the Adjoining Owner by serving a Notice.

If you plan to excavate foundations within 6 metres of a neighbouring building or structure, where the excavation will cut a line down at 45° from the bottom of the neighbour's foundations, you must inform the Adjoining Owner by serving a Notice.

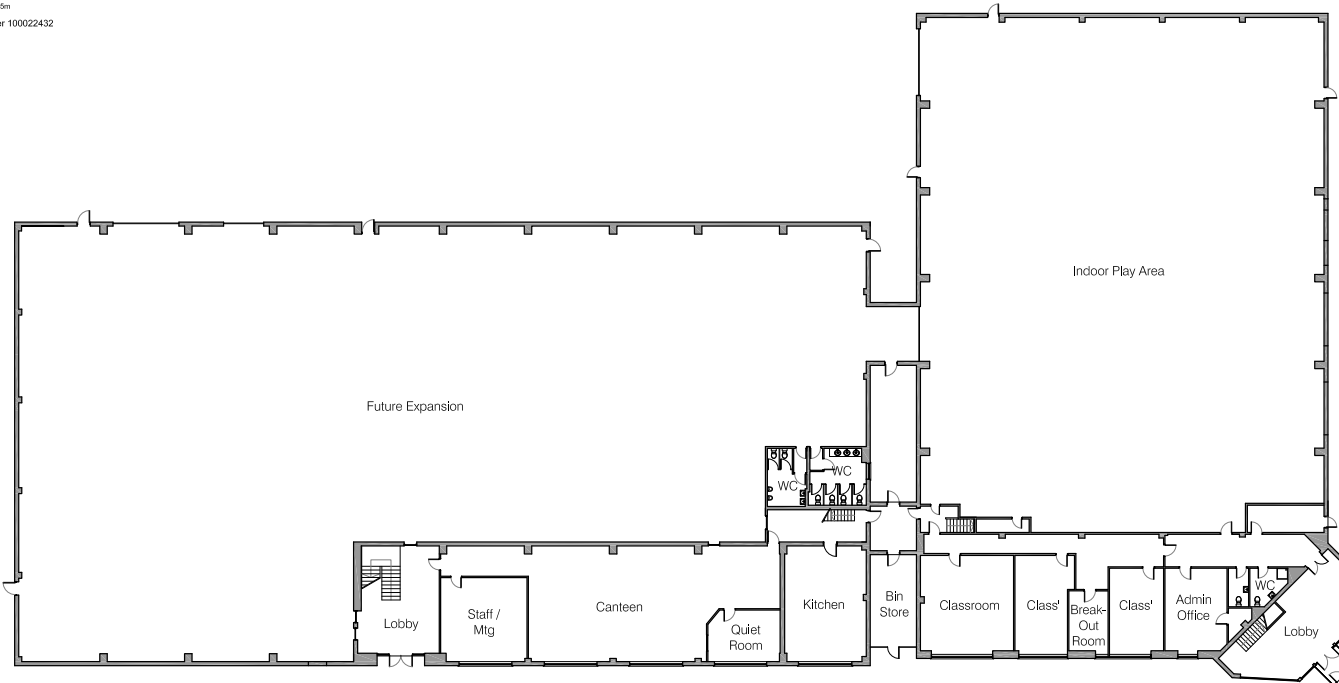


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Location Plan
scale 1:1250



Proposed First Floor Plan



Proposed Ground Floor Plan

rev	amendment	date
01	Proposed Plans	15/12/22
02	Planning	June 22
03	drawn by	JCB
04	scale	1:200 & as noted

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PA/2022/1139 Proposed plans (not to scale)