APPLICATION NO PA/2023/1429

APPLICANT Chris Smith, Shape Land and Property

DEVELOPMENT Planning permission for the demolition of a public house and the

erection of a two-storey residential building consisting of 20

dwellings (re-submission of PA/2022/754)

LOCATION Former Lincoln Imp public house, 29 Gloucester Avenue,

Scunthorpe, DN16 2EA

PARISH SCUNTHORPE

WARD Kingsway with Lincoln Gardens

CASE OFFICER Tanya Coggon

SUMMARY Subject to completion of a S106 agreement, approve with

RECOMMENDATION conditions

REASONS FOR Member 'call in' (Cllr Tony Gosling – significant public interest)

REFERENCE TO COMMITTEE

Significant public interest

POLICIES

National Planning Policy Framework:

2 Achieving sustainable development

4 Decision-making

5 Delivering a sufficient supply of homes

8 Promoting healthy and safe communities

9 Promoting sustainable transport

11 Making effective use of land

12 Achieving well-designed places

15 Conserving and enhancing the natural environment

North Lincolnshire Local Plan:

H5 New housing development

H8 Housing design and housing mix

H10 Public open space provision in new housing development

T1 Location of development

T2 Access to development

T6 Pedestrian routes and footpaths

T8 Cyclists and developments

T19 Car parking provision and standards

DS1 General requirements

DS7 Contaminated land

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

CS5 Delivering quality design in North Lincolnshire

CS7 Overall housing provision

CS8 Spatial distribution of housing sites

CS9 Affordable housing

CS17 Biodiversity

CS18 Sustainable resource use and climate change

CS19 Flood risk

CS22 Community facilities and services

CS23 Sport, recreation and open space

CS25 Promoting sustainable transport

CS27 Planning obligations

Housing and Employment Land Allocations DPD:

PS1 Presumption in favour of sustainable development

New North Lincolnshire Local Plan Submission: The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until later in 2023.

The submitted North Lincolnshire Local Plan can be given some weight as a material planning consideration in the determination of planning applications. The relevant policies concerning this application are as follows:

SS1 Presumption in favour of sustainable development

SS2 Spatial Strategy for North Lincolnshire

SS3 Development principles

SS5 Overall housing provision

SS56 Spatial distribution of housing sites

SS11 Development limits

H2 Housing mix and density

H3 Affordable housing

H10 Flats above shops and the use of vacant buildings for housing

TC2 Placemaking and good design

DQE1 Protection of landscape, townscape and views

DQE3 Biodiversity and geodiversity

DQE5 Managing flood risk

DQE6 Sustainable drainage systems

CSC10 Community facilities

T1 Promoting sustainable transport

T2 Promoting public transport

T3 New development and transport

T4 Parking

T5 Cycle and motorcycle parking

DM1 General requirements

DM3 Environmental protection

CONSULTATIONS

Highways: No objections subject to conditions relating to highway safety, car parking, access, provision of cycle parking on the site and submission of a construction transport management plan.

Environment Agency: Do not wish to make comments.

Drainage (Lead Local Flood Authority): No objections in principle subject to conditions requiring the submission of a detailed surface water drainage strategy, compliance with the

approved details, a detailed drainage strategy for surface water from the highway, and compliance with the approved details. A standard informative has also been advised.

Anglian Water: No comments.

Environmental Protection: No objections to the proposed development subject to conditions relating to site investigation, remediation, verification and unexpected contamination; working hours; and submission of a construction environmental management plan.

Historic Environment Record: The Design and Access Statement refers to a Heritage Statement produced for the previous application but is not among the information submitted with the current application. The HER holds a copy of the Heritage Statement that incorporates a photographic record of The Lincoln Imp public house. No further standing building recording or archaeological work is required at this site. No reference is made in the application to the Extensive Urban Survey for Scunthorpe available survey documents the https://www.lincsabout.town/scunthorpe. The historical and archaeological background to the town and analyses the development and character of the built heritage. The HER encourages developers to make use of the survey for planning and design purposes to ensure that new development sits well in its surroundings. No further recommendations.

Trees: There appears to be very little in the way of green infrastructure within the site at present, and therefore any increase in biodiversity of the site with the introduction of good greenspace areas of uncompacted soils, together with suitable planting of trees and other green landscaping, can only be seen as an improvement in that regard. Any landscaping would need to be suitable for the site and adequately maintained (including watering) until established.

Ecology: Bat activity surveys revealed no evidence of bat roosts. If permission is ultimately granted, there will be a need to secure a net gain in biodiversity in accordance with Policy CS17, the National Planning Policy Framework and the Defra Small Sites metric.

Waste Management/Recycling: Provides general guidance for bins, bin storage, pulling distances and access for an RCV [refuse collection vehicle].

Humberside Fire and Rescue: General advice relating to access for the fire service and water supplies for fire-fighting.

Humberside Police: No objections. Provides advice on Secured by Design (SBD) accreditation.

Education: All the dwellings will be affordable and therefore no educational contributions will be sought.

\$106 Officer: \$106 contributions to retain affordable dwellings in perpetuity, provision of 10m2 per dwelling of informal open space and management of the open space on the site.

PUBLICITY

The application has been advertised in the local press and by site notices. Additional documents are currently out to consultation and if any further responses are received, they will be verbally reported to planning committee. Currently, twenty-five letters of objection have

been received and one letter of support. In summary the letters of objection raise concerns over the following:

- the building should not be demolished
- loss of a public house and live music
- loss of employment
- the public house should be refurbished
- no need for additional dwellings in Scunthorpe
- loss of a community facility and meeting place
- the building is an ACV [asset of community value]
- housing is back to back
- no need for further affordable dwellings in Scunthorpe
- the building should just be designated a heritage asset.

The letter of support raises the following issues:

- the brewery does not want to keep the building as a pub
- the building is an eyesore
- the building will attract antisocial behaviour
- there is a need for more affordable housing.

STATEMENT OF COMMUNITY INVOLVEMENT

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

ASSESSMENT

Planning history

6/1984/0183: Planning permission to erect a 2.175m high wall and form a beer garden –

approved 19/09/1984.

6/1989/0088: Planning permission to carry out alterations and extensions to an existing

public house - approved 11/04/1989.

PA/2007/0840: Planning permission to erect a detached smokers' shelter to the rear of the

public house - approved 29/06/2007.

6A/1974/0998: Consent to display an illuminated sign – approved 29/03/1974.

PA/2015/0491: Planning permission to convert an existing window to a new door -

approved 16/06/2015.

PA/2022/754: Planning permission to erect a two-storey building consisting of 20

affordable homes (including demolition of existing public house) - refused

25/08/2022.

The site

The application site is within the defined development limits of Scunthorpe which is the Major Sub-regional Town as defined within the Core Strategy. The site is also within Flood Zone 1 (North and North East Lincolnshire SFRA 2011) and therefore is the optimum place for development in terms of flood risk. The Lincoln Imp was designated as an Asset of Community Value (ACV) on 04/07/2022.

The application site fronts the highway, Gloucester Avenue. To the north is a terrace of three-storey residential properties, to the east are several convenience stores with residential flats on the first and second floors, to the south is the highway Beechway, and to the west are residential properties and a site currently under construction for a complex care children's home (PA/2022/66). The site currently consists of a public house, The Lincoln Imp, which is no longer in use and has been closed since August 2022, with the windows shuttered to secure the building.

The proposal

Planning permission is sought to erect a two-storey building consisting of 20 affordable homes (including the demolition of the existing public house). Landscaping, car parking, cycling parking, bin storage and public open space (in the form of a communal garden and seating area) will be provided within the site.

Members may recall that a similar application (PA/2022/754) to erect a two-storey building consisting of 20 affordable homes (including demolition of the existing public house) was refused planning permission by the planning committee on 24/08/2023 for the following reasons:

1. The proposed development would result in the unacceptable loss of The Lincoln Imp public house which is a valued community facility. There is insufficient justification for the demolition of The Lincoln Imp and the proposals for housing are not considered to outweigh this loss. Therefore, the proposed development would be contrary to policy CS22 of the North Lincolnshire Core Strategy and paragraph 92 of the NPPF.

2. The proposals would result in insufficient provision of private amenity open space for the future occupiers of the proposed units. Therefore, the proposals are contrary to policy H5 of the North Lincolnshire Local Plan.

The main issues in the determination of this application are:

- principle of development
- loss of community facilities
- design and impact on the character and form of the area
- impact on residential amenity

- · impact on highways
- flood risk and drainage
- contaminated land
- air quality
- noise
- cultural heritage
- ecology/biodiversity
- · affordable housing
- planning obligations.

Principle of development

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

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

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

Policy CS8 further sets out that there is a requirement to deliver 82% of all new dwellings in and adjacent to the urban area, equating to 9,892 new dwellings. These figures are a minimum target and do not form a maximum threshold for the delivery of housing, which would run contrary to the provisions of the National Planning Policy Framework which seeks to significantly boost the supply of housing. Therefore, development plan policy confirms the view that Scunthorpe is a sustainable settlement with the key facilities, services, employment opportunities and regular public transport to support new housing development.

Policy CS7 of the Core Strategy sets out an aspirational minimum density of 40–45 dwellings per hectare on sites within Scunthorpe (excluding the town centre). However, this policy also

states that whilst housing developments should make efficient use of land, the density of new developments should be in keeping with the character of the area. The proposed development of 20 dwellings results in a density of approximately 129 dwellings per hectare, which falls well above the minimum density sought by policy CS7 (40–45 dwellings per hectare).

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

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 10 of the NPPF states, 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.' It should be noted that the council can demonstrate a Five-Year Housing Land Supply of Deliverable Sites of 6 years and 10 months (July 2023).

This proposal seeks to erect a two-storey building consisting of 20 affordable homes (including demolition of the existing public house which is now closed) in a highly sustainable location. There is clearly a planning balance to the decision in that the public house will be demolished in order to facilitate the development of 20 affordable homes for residents of North Lincolnshire. In determining the principle and sustainability of the proposed development, an assessment is required on the technical elements of the proposal which will be discussed below.

Loss of community facilities

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

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

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

Within the previous application (PA/2022/754) the applicant submitted a Site Viability Report, April 2022 and within this pending application the applicant has submitted an updated site viability report dated March 2023. The Lincoln Imp is a drinking establishment and does not provide food. This reduces the customer base and offering. Substantial investment of around

£262,500 plus working capital (circa £20,000) would need to be invested into the public house (excluding the immediate structural/fabric repairs. No long-term tenant can be recruited on a full substantive agreement due to none viability of the public house from both the tenant and pub company perspective.

The Lincoln Imp has been marketed but has received no interest from parties as a going concern. It has been marketed since April 2022. The Lincoln Imp stopped trading in August 2022. Under the ACV process no bid was made for the public house. The Music Heritage Trust were given until 31 January 2023 to find a tenant to take on the business, but no tenant was found within this deadline. The applicant has submitted an email from Admiral Taverns stating that, 'Admiral Taverns have confirmed that the site is commercially non-viable and they have no intention to re-open the site as a trading pub.'

The viability report concludes that in order to compete with surrounding local public houses, 'Substantial investment of around £262,500 plus working capital (circa £20,000) would be needed to be invested into the public house (excluding the immediate structural/fabric repairs) and bearing in mind the competition in the area and the cost of the works, I consider such an investment extremely risky. Even if capital investment was put into the public house, I am of the opinion that the business would still not provide a sufficient income for an operator in the medium term, as the fundamental requirements of a successful, modern public house could not be provided.'

It is clear from the previous application that was refused last year (PA/2022/754) that the local planning authority considered at that time that The Lincoln Imp was unviable. The Lincoln Imp is now closed and no longer provides a community facility and has not done so for over a year now. The council cannot force The Lincoln Imp to operate as a public house. Furthermore, there are other public houses, clubs and music venues within Scunthorpe, with the nearest public house within 10 minutes' walk from the application site.

Policy CS22 of the Core Strategy states that [loss will be resisted unless] there is no longer a need for the land or building in any form of community use, or there is an acceptable alternative means of meeting such need. Paragraph 93(c) of the NPPF states, '[policies and decisions should]...guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. The submitted Site Viability Report and sales documents for PA/2022/754 show that the facility was unviable. Viability has again been addressed in this new application and the site as a public house continues to be unviable and has led to the closure of The Lincoln Imp since August 2022. Furthermore, following the closure of The Lincoln Imp, other facilities are available within the locality which can meet the day-to-day needs of local residents.

It is therefore considered that the proposal is in accordance with policy CS22 of the Core Strategy and paragraph 93 of the NPPF, as the loss of the community asset is offset by other facilities in the area as well as it being proved to be unviable.

Design and impact on the character and form of the area

Core Strategy policy CS5 (Delivering Quality Design in North Lincolnshire) states, '...all new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place. The council will encourage contemporary design, provided it is appropriate for its location and is informed by its surrounding context. Design which is inappropriate to the local area or fails to maximise opportunities for improving

the character and quality of the area will not be acceptable.' Policies H5 and H8 of the NLLP both seek to secure acceptable housing design for all residential developments.

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

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

- Walls: red facing bricks with black brick banding details Hardwicke Minister
- Roofing: grey concrete tiled roof
- Windows: black UPVC
- Front doors: black composite with vision panels.

Having considered the materials, the proposals are considered acceptable. Furthermore, it is noted that the proposals would be two storeys in height to a maximum ridge height of approximately 9.68 metres. The site is not level, with the building gradually stepped down from Gloucester Avenue towards Beechway.

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

One of the reasons for refusal for PA/2022/754 was the insufficient private amenity open space for future occupants of the proposed dwellings. The submitted plans for this application show open space to be provided to the rear of the building. This open space will be approximately 215m2 which aligns with policy H10 of the NLLP. This open space has been redesigned since the refusal of PA/2022/754. Within the open space is a bin store and 10 secure cycle parking spaces for occupiers to use improving the sustainability of the site. This open space will be secured by repairing and rebuilding (in part) the existing rear boundary wall on the northern boundary, a 1.8m high timber fence to the eastern boundary and a 1.55m high living green screen to the western boundary. This area will comprise hard and soft landscaping with planting which will be secured through a planning condition. External seating will be provided on the site to allow this open space to be a functional open space to be used and enjoyed by future occupiers of the scheme and to allow residents to meet forming social connections and integration.

Furthermore, The Lincoln Imp is currently closed and shuttered which already is beginning to detract from the visual appearance of the site. On balance, it is considered that the proposal would be acceptable in terms of impacts on the character and appearance of the area and complies with policy CS5 of the Core Strategy and policies H5 and H8 of the NLLP.

Impact on residential amenity

Policy DS1 and CS5 are partly concerned with impacts upon residential amenity. It states, 'no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.'

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

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

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

Highways

Policy T1 of the North Lincolnshire Local Plan is concerned with the location of development and aligns with the spatial strategy of the Core Strategy. Policy T2 states that all proposals should be provided with a satisfactory access. Policy T19 relates to car parking provision and standards, and in summary requires developments which result in additional parking needs to incorporate proposals to fully meet that demand. Policy T8 of the NLLP relates to cycle parking. Policy CS25 of the Core Strategy is also relevant and seeks to support and promote a sustainable transport system in North Lincolnshire that offers a choice of transport modes and reduces the need to travel through spatial planning and design and by utilising a range of demand and network management tools.

The council's Highways department has been consulted and does not object to the proposed development subject to a number of conditions. The proposals are within Scunthorpe which is a highly sustainable location not requiring parking provision. However, it is noted that the proposals provide for 15 car parking spaces and 20 secure cycle parking spaces on site which is considered acceptable in this highly sustainable location.

Overall, it is considered, subject to conditions, that the proposal is in accordance with policies T1,T2 and T5 of the North Lincolnshire Local Plan, and policies T19 and CS25 of the Core Strategy.

Flood risk and drainage

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

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

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

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

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

Contaminated land

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

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

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

Comments have been sought from the Environmental Protection team, who have raised no objections subject to a number of standard conditions which are recommended in this report.

Air quality

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

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

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

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

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

Under Building Regulations each dwelling will need to have an EVC (electric vehicle charging) point. Having regard to the above, it is considered that the proposal would not have an adverse impact on air quality and the proposal is in accordance with policies CS18 of the North Lincolnshire Core Strategy, DS11 of the North Lincolnshire Local Plan and paragraph 186 of the NPPF.

Noise

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

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

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

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

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

Cultural heritage

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

Ecology/biodiversity/trees

Policy CS17 and LC5 are concerned with ecological/ biodiversity matters. A bat survey has been submitted with the application and there is no evidence of bat roosts on the site and little bat activity overall. There is no further protected species reports required in relation to this site. The proposal therefore aligns with CS17 and LC5.

In terms of biodiversity there is a requirement through policy CS17 and the NPPF to provide biodiversity net gain (BNG) on the site. Paragraph 174 of the NPPF states, 'Planning policies and decisions should contribute to and enhance the natural and local environment by:

- (a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils [...]
- (b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland:
- (d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- (e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;'

Paragraph 180 (d) of the NPPF states, 'development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate..;'

With this proposal, biodiversity enhancement should be secured by:

- installing swift bricks; and
- planting trees and shrubs of high biodiversity value.

Planning conditions will be used to secure biodiversity net gain on the site including provision of swift boxes and planting/aftercare of trees and shrubs. Subject to the proposed biodiversity planning conditions, the proposal will align with policies CS17, CS5, LC5 and the NPPF.

In terms of trees, the applicant has submitted a planting plan that contains a high number of trees, shrubs and grasses. This planting plan will be conditioned to secure an acceptable landscaping scheme for the site.

Affordable housing

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

Policy CS9 outlines that schemes of 15 or more dwellings in the Scunthorpe urban area, 5 or more dwellings in market towns and 3 or more dwellings in rural settlements must make provision for an element of affordable housing. This policy seeks 20% affordable housing in the Scunthorpe urban area and market towns and 10% affordable housing in rural

settlements. Policy CS9 allows for off-site contributions where affordable units cannot reasonably be provided on site in line with criteria (a) and (b) of policy CS9.

This application proposes the erection of 20 dwellings within the defined development limits of Scunthorpe. As such 20% affordable housing is required on site. The Design and Access Statement provides that this scheme is for 100% affordable housing. It is noted that all 20 units will be one-bedroomed affordable units. The units will be for affordable rent and will be secured in perpetuity within the S106 Agreement. Furthermore, the council's Housing and Economic Needs Assessment (HENA) 2020 states that there is a net annual affordable housing need of 115 dwellings per annum. The proposed 20 affordable dwellings will provide a significant contribution towards the affordable housing need in North Lincolnshire.

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

Planning obligations

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

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

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

Public open space

Public open space and leisure policy H10 of the North Lincolnshire Local Plan is concerned with public open space. It states, '(i) ... New housing developments on allocated and windfall sites of 0.5ha or more will be required to provide recreational open space on a scale, and in a form, appropriate to serve the needs of residents.' This is reinforced by policy CS23 of the North Lincolnshire Core Strategy.

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

Education and health

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

Obligations summary

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

Conclusion

Planning permission is sought to erect a two-storey building consisting of 20 affordable homes (including demolition of existing public house). The application is acceptable in principle and in respect of loss of community assets, design and impact on the character and appearance of the area, impact on residential amenity, impact on highway safety, flood risk and drainage, and contaminated land, noise, air quality, cultural heritage and affordable housing and is therefore recommended for approval subject to the S106 and conditions outlined in this report. Furthermore, it is considered that the reasons for refusal set out on the decision notice for PA/2022/754 (see proposal section above) have been overcome as set out in the previous sections of this report. The pre-commencement conditions and heads of terms set out below have been agreed with the applicant.

Heads of terms

Affordable housing

Number of dwellings	All 20 dwellings
Product Type	Affordable rent
	Affordable dwellings to be retained in perpetuity

Open space

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

RECOMMENDATION

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

(i) it is mindful to grant permission for the development;

- (ii) the decision be delegated to the Development Management Lead upon completion of the obligation;
- (iii) if the obligation is not completed by 1 May 2024 the Development Management Lead be authorised to refuse the application on grounds of no affordable housing and no recreational open space; and
- (iv) the permission so granted be subject to the following conditions:

1.

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

Reason

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

2.

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

Site location plan - 1353-JDA-ZZ-XX-DR-A-0000
Proposed Plans - 1353-JDA-ZZ-ZZ-DR-A-0001 Rev C01
Proposed Elevations - 1353-JDA-ZZ-ZZ-DR-A-0002 Rev C01
Proposed Street Elevations - 1353-JDA-ZZ-ZZ-DR-A-0003 Rev C01
Boundary Treatment Plan - 1353-JDA-ZZ-XX-DR-A-0003 Rev C01
Proposed Site Plan - 1353 - JDA-ZZ-XX-DR-A-0002 Rev C01
Planting Plan - D216.002
General Arrangement - D216.001
S50 Street Works Plan 20/10/2021 Rev P04.

Reason

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

3.

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

Reason

To protect the character and appearance of the area

4.

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

Reason

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

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

Part 1: Site Characteristics

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

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

Part 2: Submission of Remediation Scheme

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

Part 3: Implementation of Approved Remediation Scheme

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

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

Part 4: Reporting of Unexpected Contamination

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

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

Reason

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

6.

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

- 8am to 6pm Monday to Friday
- 8am to 1pm on Saturdays.

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

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

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

Reason

To protect residential amenity.

7.

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

Noise and vibration

The CEMP shall set out the particulars of:

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

Light

The CEMP shall set out the particulars of:

- (a) specified locations for contractors' compounds and materials storage areas;
- (b) areas where lighting will be required for health and safety purposes;
- (c) the location of potential temporary floodlights;
- (d) the identification of sensitive receptors likely to be impacted upon by light nuisance;
- (e) proposed methods of mitigation against potential light nuisance, including potential glare and light spill, on sensitive receptors.

Dust

The CEMP shall set out the particulars of:

- (a) site dust monitoring, recording and complaint investigation procedures;
- (b) the identification of receptors and the related risk of dust impact at all phases of the development, including when buildings and properties start to be occupied;
- (c) the provision of water to the site;
- (d) dust mitigation techniques at all stages of development;
- (e) the prevention of dust trackout;
- (f) communication with residents and other receptors;
- (g) a commitment to cease the relevant operation if dust emissions are identified either by regular site monitoring or by the local authority:

(h) a 'no burning of waste' policy.

Reason

To safeguard residential amenity.

8.

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

9.

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.

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.

Prior to the occupation of the first dwelling, the cycle parking facilities serving the development shall have been completed and shall thereafter be retained.

Reason

To ensure satisfactory cycle parking facilities on the site for occupiers of the development.

12.

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

Reason

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

13.

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.

14.

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

15.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 14 above, completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

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

16.

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

Reason

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

17.

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 in accordance with the approved details at all times.

Reason

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

18.

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

- (a) an assessment of biodiversity loss based on the submitted existing site plan;
- (b) details of measures required to provide at least 1% biodiversity net gain in accordance with the Defra Small Sites metric;
- (c) details of swift bricks and starling boxes to be installed;
- (d) restrictions on lighting to avoid impacts on bird nesting sites and sensitive habitats;
- (e) prescriptions for the planting and aftercare of trees and shrubs of high biodiversity value;
- (f) proposed timings for the above works in relation to the completion of the dwellings.

Reason

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

19.

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 15th dwelling, 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.

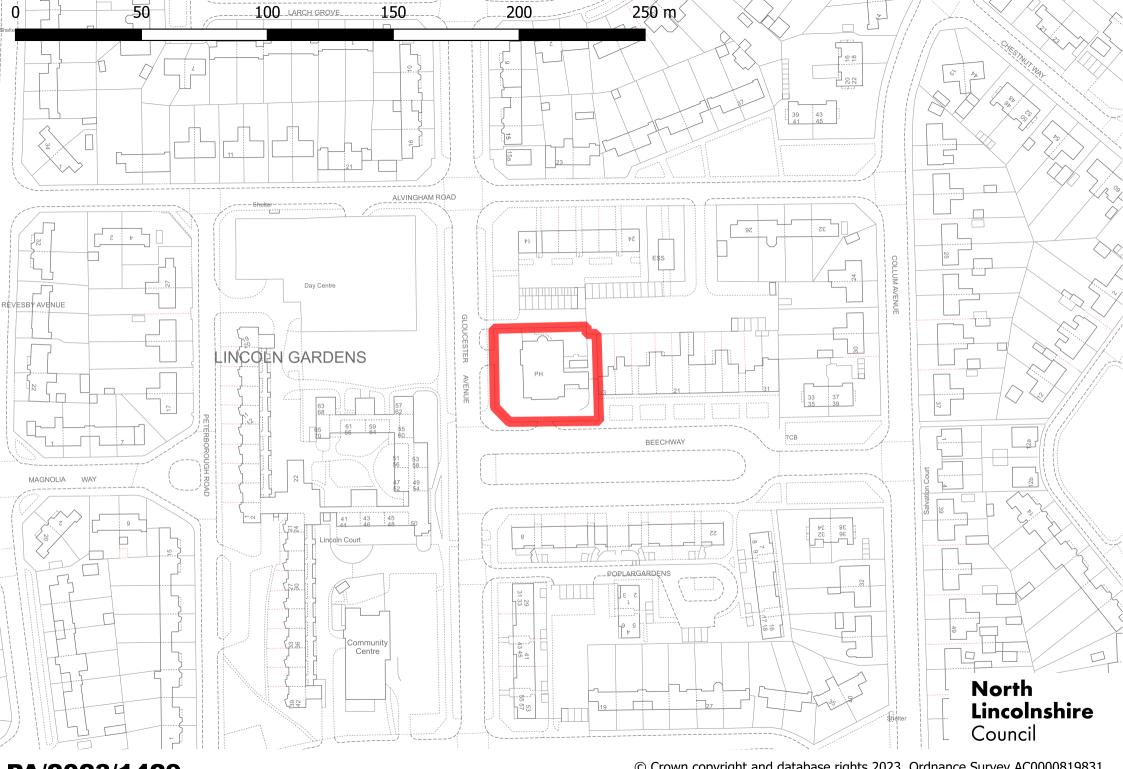
Informatives

- 1
- This application must be read in conjunction with the relevant Section 106 Agreement.
- 2. 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.
- 3. 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.
- 4. The applicant's attention is drawn to the comments made by Humberside Fire and Rescue, Humberside Police and the council's Waste Services.
- 5. 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 an approach that other local authorities are adopting. This is not a good solution unless it is a public sewer and adopted by the water company.

Full consideration should be given to utilising source control SuDS features, for example, a tanked permeable paving system in the access road.

Exceedance flood routing also needs clarifying.

The developer must consider using 150mm diameter pipes as opposed to 100mm diameter to ease future maintenance issues.





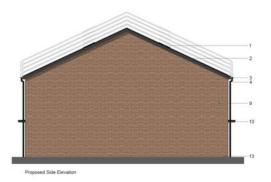


PA/2023/1429 Proposed elevations (not to scale)













PA/2023/1429 Street elevations (not to scale)





Propsoed Street Elevation - Beechway



Propsoed Street Elevation - Gloucester Avenue

No.	Description
1	Bin store
2	Cycle store
3	Electric vehicle charging point
4	Living green screen
5	Railings
6	Gate
7	Timber planters
8	Site entrance

Rev	Description	Date	By	Cha
PO3	Issued for planning Revised following review of tanchcope design Island is colour Institut foliour	01.06.23 24.05.23 05.05.23 28.04.23	58 58 58	KOR KOR KOR



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Drawing file	Stage 3 F1	anning	386a/Sub	A3
1:200	@ Original Size A2	Date: Anvil 2023	Organ By: SSR	Checked By

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Description	Hav
Proposed Street Elevations	100

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