

APPLICATION NO	PA/2014/0358
APPLICANT	School Partnership Trust Academies
DEVELOPMENT	Planning permission to change the use from retail to Free School
LOCATION	Former retail unit, Brigg Road, Scunthorpe
PARISH	SCUNTHORPE
WARD	Town
CASE OFFICER	Andrew Law
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Head of Development Management discretion

POLICIES

National Planning Policy Framework: Paragraph 19 states that significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 32 states that all developments that generate significant amounts of movement should be supported by a transport statement or transport assessment.

Paragraph 34 states that plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 56 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 72 states that the Government attached great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.

Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by...preventing both new and existing development from contributing to or being put at an unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution.

Paragraph 120 states that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

Paragraph 124 states that planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.

North Lincolnshire Local Plan: Policy DS1 (General Requirements)

Policy DS3 (Planning Out Crime)

Policy DS7 (Contaminated Land)

Policy DS11 (Polluting Activities)

Policy MX1 (Mixed Use Development)

IN3 (Industrial and Commercial Development in the Urban Area, Principal Growth Settlements, South Humber Bank Area (including North Killingholme Airfield) and Humberside International Airport)

Policy C1 (Educational Facilities)

Policy C3 (Planning for Accessibility)

Policy T1 (Location of Development)

Policy T2 (Access to Development)

Policy T6 (Pedestrian Routes and Footpaths)

North Lincolnshire Core Strategy: Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS6 (Historic Environment)

Policy CS18 (Sustainable Resource Use and Climate Change)

Policy CS22 (Community Facilities and Services)

Policy CS25 (Promoting Sustainable Transport)

CONSULTATIONS

Highways: Recommend refusal due to highway safety concerns.

Environmental Health: Recommend refusal due to concerns over air quality and odour, suggest conditions that would protect against noise.

Public Health: Object due to nature of the development, a school for children aged 4-19, and concerns over air quality in the area and the health impacts of granting planning permission. Air quality concerns relate specifically to PM10 particulate matter, Nitrogen Dioxide and Polychromatic Aromatic Hydrocarbons (PAHs).

Public Open Space: No objection.

Early Years Team: Initially supported the application but submitted further comments to clarify that they would support the provision of 2 year old funded provision for vulnerable children and that the proposed development does not offer this facility. The Early Years Team does not comment on schools provision.

Environment Agency: Support the recommendation of the council's Environmental Health department on air quality grounds. Introducing further receptors into this location will be detrimental to health and place further regulatory burdens on the Integrated Steelworks Site.

Humberside Fire and Rescue: No objection.

Humberside Police: Make recommendations with regard to designing out crime.

Network Rail: No objection.

National Grid: Apparatus in vicinity of the site, further consultation required should the council be minded to approve planning permission.

PUBLICITY

Neighbouring properties have been notified by letter and site and press notices posted. One letter of objection has been received from Tata Steel UK Ltd on the following grounds:

The development is out of character with its surroundings

The site lies in an area which is predominantly industrial in nature. The site is bounded by a freight rail line to the east and Brigg Road to the west and is adjacent to a large chemical plant and the integrated steelworks to the east. There is also a large freight railway maintenance yard approximately 100 metres to the south-east of the site. The applicants have failed to demonstrate that the proposed school can interact safely in this environment.

The access road is a shared access point which leads to the steelworks site, the freight railway maintenance yard and chemical plant. The school entrance is immediately adjacent to the Dawes Lane level railway crossing. Therefore there is real concern for the safety and security of future students of the school.

Policy CS5 of the Core Strategy requires new development to consider the relationship between buildings and the spaces around them and how the proposed development would interact with the surrounding area. Significantly, policy CS5 states that the function of the proposed use should be considered in terms of its appropriateness for the context in which it is located. New development should also seek to create safe and secure environments.

Therefore, due to the commercial/industrial nature of the area, the proposed development is inappropriate in this location.

Poor site accessibility for proposed users of the site

To the west of Dawes Lane, Brigg Road has no footways or cycleways and the nearest formal crossing point of this road is approximately 260 metres to the east of the site. Therefore, access to the site is not conducive to pedestrian use, particularly the proposed pupils. The council's Highways officer also raises concerns with users crossing Brigg Road.

There is also an over-provision of parking at the site when compared to policy requirements.

Insufficient information has been submitted in relation to environmental considerations (noise, air quality and odour)

The site is in an established industrial location, adjacent to a chemical and bitumen processing plant and lies close to Scunthorpe Steel Works and a range of other industrial operations. Consequently, there are concerns regarding the suitability of the proposed scheme in this location due to air quality, noise and odour considerations.

With regard to noise, many surrounding industrial properties operate intensively throughout the day. However the application does not consider potential noise impacts on the proposed use.

The site is on the boundary of the Scunthorpe 2005 Air Quality Management Area (AQMA). The AQMA was declared for exceedances of the PM10 Daily Mean Objective, which is associated with local heavy industry operations. PM10 is a non-threshold pollutant, which means it is not possible to identify a level at which its concentration is harmful to human health. The application has failed to fully consider and address potential issues of air quality.

It is noted that the Environmental Health Officer's response recommends refusal on air quality grounds as does the response from the Environment Agency.

In the absence of substantial evidence the applicant has failed to demonstrate that the proposed development would not be harmed by potential environmental impacts derived from the site's industrial setting. This is particularly significant given the vulnerability of the proposed users of the site (children aged 4-19). Therefore, the proposed use is contrary to local and national planning policy.

Impact on existing and future operations of neighbouring industrial premises

The development could have undue and unreasonable consequences on neighbouring industrial premises, including Tata Steel. There is potential that the existing and future business will be faced with complaints from staff, students and parents and face increased costs associated with pollution and control measures.

The proposed school should not impede the established economic activity and competitiveness of local businesses. To do so would be inconsistent with the vision of the Core Strategy and its spatial objectives (policy CS1) and the *Greater Lincolnshire Local Enterprise Partnership Strategic Economic Plan (March 2014)*. This plan identifies

manufacturing and engineering as a key sector for promotion, and specifically identifies Tata Steel as a key economic asset.

ASSESSMENT

The application site consists of a large, vacant retail unit and associated land, including a large hard-paved parking area. The existing structure on site was erected under PA/2003/0308 for the erection of two retail units with associated car parking and has been vacant since it was constructed approximately 10 years ago. The site is approximately 1.14 hectares in area and is bounded by Brigg Road to the west, a freight rail line to the east, Dawes Lane to the south and the Gala Bingo site to the north. Access to the site is gained via Dawes Lane to the south-east. There are a mix of uses in the area, with land to the east side of Brigg Road being predominantly industrial in nature and land to the west side of Brigg Road being predominantly commercial/retail in nature. There is a large chemical plant immediately to the east of the site and the Integrated Steelworks site sits further to the east. The grade I listed St John's Church lies to the south-west of the site, across Brigg Road. There are mature trees running along the western and southern frontages of the site. This application seeks planning permission to convert the existing commercial unit into a Free School for up to 75 pupils aged 4-19, with external recreation areas, a car parking area for 25 cars, and associated paraphernalia (bin store, cycle store etc).

The main issues in the determination of this application are:

- **whether the site is appropriate for a school, considering its location adjacent to industrial premises and associated environmental concerns;**
- **whether the proposed development would have an unacceptable impact on highway safety; and**
- **whether the proposed development would have an unacceptable impact on the future vitality of neighbouring industrial sites.**

Benefits of the scheme

The proposed development makes use of a building and site that stands in a prominent position and has been vacant for approximately 10 years. The development will secure the future use and maintenance of this building and prevent the site from becoming a problem via misuse or degradation. Furthermore the development will provide a 'free school' and as such helps support a wider range of educational facilities in the area in accordance with paragraph 72 of the National Planning Policy Framework (NPPF). The proposed school will, in addition to providing educational facilities for 75 students, initially create 20 new jobs for teachers and members of staff. There is also an area shown on the submitted plan for potential expansion of the educational facilities, indicating that if the school is successful then the number of students catered for and staff employed will increase in the future. These are significant benefits to the local area which should be given considerable weight when the application is determined.

Appropriateness of location/environmental issues

It is a core principle of the NPPF that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and

buildings. Paragraph 109 of the NPPF is specific in stating that the planning system should contribute to '...preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution...' Whilst paragraph 120 states that 'the effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution should be taken into account. The area around the application site has a range of industrial and commercial land uses that are known sources of air emissions, noise and odour. The environmental issues have been broken down and considered individually below.

Air quality

The application site is located just beyond the boundary of the Scunthorpe 2005 Air Quality Management Area (AQMA), which has been declared due to levels of PM₁₀ exceeding the PM₁₀ Daily Mean Objective with concentrations significantly above permitted levels. Whilst the site does fall just outside the AQMA at present the council's Environmental Health department has confirmed that this is primarily because of the lack of sensitive receptors in the area. The introduction of sensitive receptors into areas known to have poor air quality will potentially result in the boundary of the existing AQMA being reviewed and the boundary extended to include the development site.

Objections to the proposed development with regard to air quality have been received from the council's Environmental Health department and the Director of Public Health and these objections and concerns have also been supported by the Environment Agency. In particular, the Director of Public Health has raised serious concerns with regard to the health implications that granting planning permission for this development could have. These concerns relate to the levels of PM₁₀, and Polycyclic Aromatic Hydrocarbons (PAHs) associated with adjacent industrial uses and Nitrogen Dioxide primarily associated with traffic emissions.

By providing additional educational facilities in this location the proposed development introduces new vulnerable receptors into an area that is known to experience elevated levels of PM₁₀ and that is close (within 100 metres) to the Integrated Steelworks site, which is the main source of such emissions. This could have adverse health implications for the staff and pupils of the proposed school. PM₁₀ is a non-threshold pollutant meaning that it is not possible to determine a level below which there are no health effects. Both short-term and long-term exposure to ambient levels of PM₁₀ is associated with respiratory and cardiovascular illness as well as other ill health effects. Nitrogen Dioxide, principally related to traffic emissions in this location adjacent to Brigg Road, can also result in respiratory problems and illnesses. The Director of Public Health has confirmed that children are particularly vulnerable to the effects of particulate matter and Nitrogen Dioxide as their lungs are still developing.

Additional information has been submitted by the applicants with regard to air quality and this information has been assessed by the council's Environmental Health department as well as the Director of Public Health. The additional information has failed to demonstrate that the proposed school can operate without being at risk from known air quality issues in this area. This is particularly the case with the outdoor recreation area. On this basis Environmental Health and the Director of Public Health have both reiterated their concerns and objections to the establishment of an educational facility serving young children in this location.

The applicant has failed to demonstrate that there are any viable options in terms of design, layout etc for an educational facility that would acceptably reduce exposure to PM₁₀, Nitrogen Dioxide and PAHs. The only options are to prevent the introduction of additional vulnerable receptors in this area and to continue to tackle the sources of PM₁₀ to achieve improvements in air quality. On this basis it is considered that the application site is not suitable for a new school.

Odour

The application site is less than 100m from Koppers, a crude tar processing facility. Odour generated from this site and other processes on the Integrated Steelworks site will impact on the staff and pupils of the proposed school and is likely to result in complaints from these users. The introduction of a large number of vulnerable receptors in this location would pose serious issues for existing industrial operations in relation to compliance with environmental permits; this in turn may lead to regulatory or financial burdens being placed on businesses, potentially threatening their financial viability.

Insufficient evidence has been provided by the applicants to demonstrate that the proposed free school and the amenity of its users could be adequately protected from odour impacts resulting from adjacent industrial operations. Whilst it is conceivable that the school building itself could be designed as a sealed unit to protect against odour, no evidence has been provided to demonstrate that this would be technically or financially viable. Furthermore, it does not seem likely that the outdoor recreational areas could be adequately protected. The cumulative impacts of air quality and odour in this location have the potential to pose serious health and amenity problems for the users of the site. On this basis the application site is considered to be an unsuitable location for the development of a new school.

Noise

The site lies between the A1029 and a heavy freight railway line, and is close to heavy industrial activity, including the Integrated Steelworks site and as such is subject to significant transport and industrial noise. It is considered that this noise environment would not be suitable for a new school unless appropriate noise mitigation measures are implemented to provide a sufficient reduction in noise levels for the school site.

Following initial concerns raised by the council's Environmental Health department a noise impact assessment has been submitted by the applicants and a further addendum to this document has also been prepared and submitted. Environmental Health has now confirmed that this information is adequate to demonstrate that noise can be adequately protected against via suitable mitigation measures. Conditions have been recommended should planning permission be granted requiring a scheme of appropriate mitigation measures to be agreed and implemented prior to the school being brought into use.

It should be noted that whilst the Environmental Health department has removed its initial objection on noise grounds, it has reiterated its concerns and objections with regard to air quality and odour and still recommends refusal of planning permission.

Highway safety

The application has been supported by the submission of a detailed transport statement and travel plan. The applicants have proposed that all pupils attending the school will arrive at the site via a free minibus service. However as a matter of thoroughness the submitted

transport statement has carried out a worst case trip generation assessment to calculate the likely impact of the proposed development on the local highway network, should this bus service be unavailable for any reason. The results of this assessment show that the net impact over and above the vehicle trips that could be generated by the existing retail use is + 31 two-way trips during the morning peak and – 44 two-way trips in the evening peak. The transport assessment concludes that as such the net impact of the proposals should be considered acceptable in terms of highways and road safety.

The council's Highways department has studied the submitted documents and, whilst it does not dispute the trip generation figures, it has raised serious concerns with regard to road safety. The Highways department is of the opinion that the development, if permitted, has the potential to create unsafe vehicle and pedestrian movements along with unacceptable parking of vehicles on Brigg Road, which forms part of a principal traffic route carrying significant amounts of commercial HGV traffic serving local industry. Highways are concerned that there are no guarantees that all pupils will arrive via the proposed minibuses and that some parents may consider it easier or more convenient to drop their children off outside the proposed school. Due to the nature of Brigg Road and the traffic that it serves, any on-street parking would be dangerous and unacceptable. Furthermore, there are very limited pedestrian crossing facilities in the area around the proposed school, none of which serve the site directly. Pedestrian movements across Brigg Road in this location, whether by pupils or staff, would be dangerous and the nature of Brigg Road is such that the provision of any controlled crossing would be inappropriate. Consideration has been given to the possibility of addressing these road safety concerns through the use of planning conditions; however Highways have confirmed that they do not believe that this is possible.

For the reasons outlined above, Highways are of the opinion that this site is unsafe and unsuitable for the establishment of a new school and recommend refusal of planning permission.

Impact on neighbouring industrial sites

The proposed development also has the potential to impact on the operation and expansion of existing industrial/commercial sites in the immediate area. The proposed scheme would increase the number and proximity of vulnerable receptors to the surrounding industrial/commercial land uses, including the Integrated Steelworks to the north. This would increase the potential for complaints in relation to air quality, noise and odour. It could also result in significant additional expenses for neighbouring industrial sites associated with tackling the ongoing problems with air quality and odour and compliance with the relevant EU regulations.

An objection has been submitted on behalf of Tata Steel expressing concerns that the development will adversely impact upon their existing operations and any future industrial development in the area. The Integrated Steelworks site, operated by Tata Steel, is one of the region's main employers and the industrial processes on this site do result in known issues with air quality, noise and odour. Tata Steel is regulated by the Environment Agency and has been working with them to develop an action plan to tackle existing issues with air quality and dust generation on the site; however the introduction of additional vulnerable receptors in this area would place significant additional constraints on this site and would have serious implications with regard to their ability to comply with the relevant EU regulations on air quality.

With reference to policy IN3 (Industrial and Commercial Development in the Urban Area, Principal Growth Settlements, South Humber Bank Area (including North Killingholme Airfield) and Humberside International Airport) of the North Lincolnshire Local Plan, this would reasonably be expected to restrict potential commercial and industrial uses of the land around the site. In this respect the proposed free school would conflict with the objectives of local plan policies DS1, DS11 and IN3 and core strategy policy CS7. The proposed development would also conflict with the objectives of the National Planning Policy Framework, which seek to guide development to sustainable locations, where economic growth secures higher social and environmental standards, and improves the lives of people and communities.

Relevant planning decisions

North Lincolnshire Council granted planning permission (PA/2014/0470) in July of this year for a University Technical College (UTC) on land south of Church Square, a short distance to the south-west of the application site. No objections were raised on this application with regard to air quality or odour from industrial operations including the Integrated Steelworks site. Environmental Health have confirmed that there are a number of reasons why the UTC was deemed to be acceptable whereas the current application is being objected to.

Advice from the Director of Public Health has confirmed that children, and particularly young children, are more susceptible to the impacts of (poor) air quality due to the fact that their lungs are still developing. The UTC caters for students between the ages of 14 and 19, whereas the proposed free school will cater for children between the ages of 4 and 19, introducing receptors which are considered to be more vulnerable due to their younger age. Furthermore, whereas there is an element of choice for pupils, or their parents, when choosing to enrol at the UTC, the proposed free school will cater for children that cannot, for various reasons, be accommodated within mainstream education; as such these pupils have no choice but to be educated in this location.

Whilst the site of the UTC is close to that of the proposed free school and as such is not located much further away from the industrial premises to the east, Environmental Health have confirmed that the levels of PM₁₀ particulate matter reduces significantly with distance. As such the additional distance from the industrial operations is beneficial in terms of air quality.

Another reason that concerns were not raised with regard to the UTC is that it was deemed to be in a town centre location, as opposed to the site of the proposed free school which is considered to be industrial in nature. Staff and students of the UTC would be expected to be drawn to town centre facilities to the west, away from the heavy industrial premises to the east. Staff and students of the free school, due to its nature and location to the east side of Brigg Road, would be restricted to the site which is located adjacent to the industrial premises with no buffer whatsoever.

Therefore it is considered that there are material differences between the UTC and free school sites and proposals and these differences have resulted in different responses from the Environmental Health department. It should also be noted that several applications for residential development within the AQMA have been submitted in the recent past. All of these applications have been refused, one of which was also successfully defended at appeal. These applications were refused due to concerns regarding the introduction of sensitive receptors into an area with known air quality issues and the potential health

implications. As such the concerns raised by Environmental Health in this instance are not inconsistent with previous planning decisions.

Conclusion

It is considered, due to the environmental and traffic safety concerns outlined above, that the application site is inappropriate for the development of a new school. These concerns outweigh the social benefits that the proposed development will generate. On this basis it is recommended that planning permission be refused.

Recommendation Refuse permission for the following reasons:

1.

The site is considered to be unsuitable for a new school catering for children between the ages of 4 and 19 due to environmental health issues linked to industrial activity in the area and its location adjacent to zone 1 of the 2005 Scunthorpe Air Quality Management Area (AQMA). In particular it is considered that poor air quality and odour from nearby industrial processes would create an unacceptable environment for future pupils of the school. No evidence has been provided to demonstrate that the site can be adequately protected from odour and/or undesirable concentrations of PM10 pollutants, Nitrogen Dioxide and Polycyclic Aromatic Hydrocarbons known to exist within the AQMA in this location. Due to these environmental concerns the proposed development would be contrary to policies DS1, DS11 and IN3 of the North Lincolnshire Local Plan and policy and guidance set out in paragraphs 109, 120 and 124 of the National Planning Policy Framework.

2.

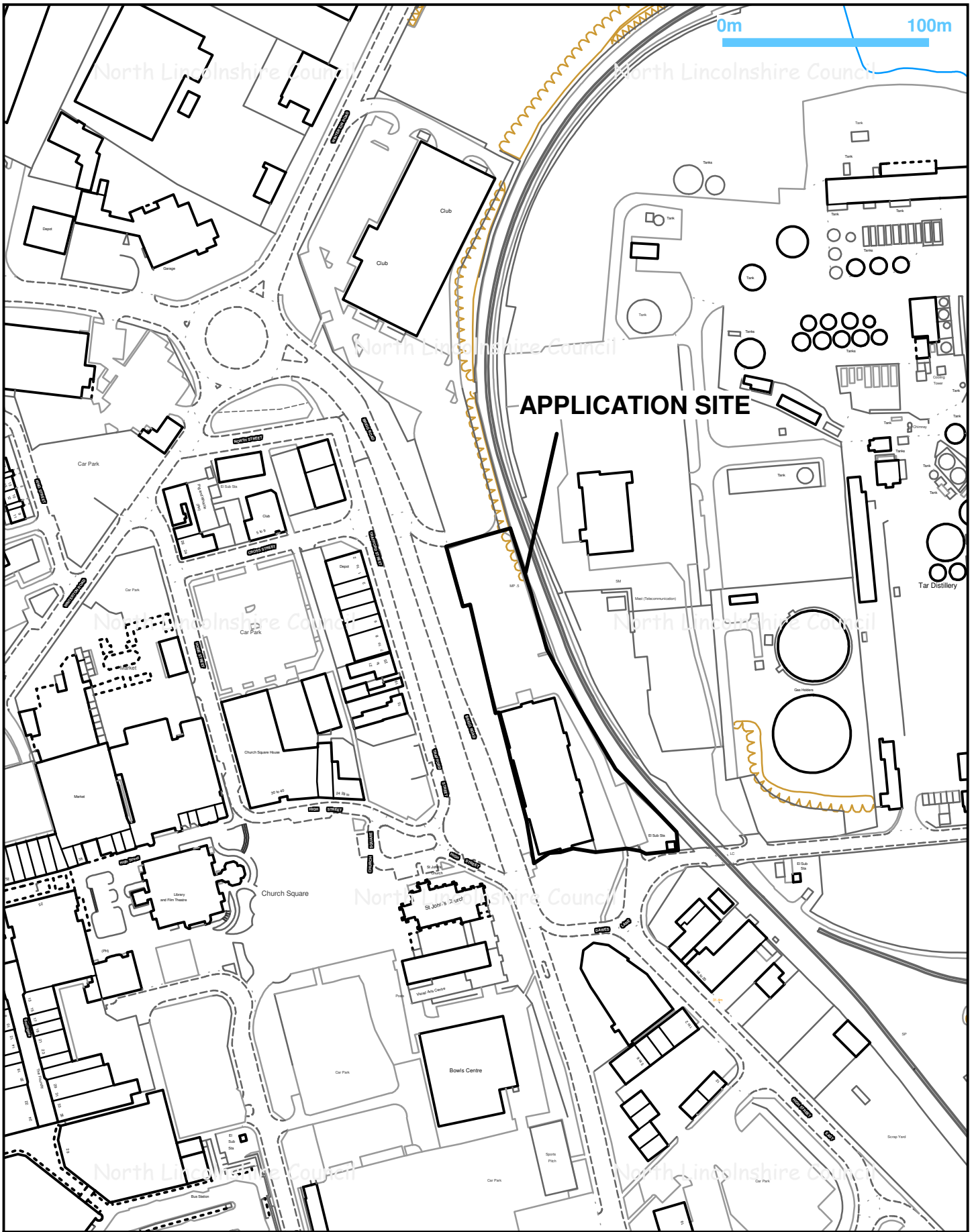
The proposed development has the potential to create unacceptable and unsafe vehicle and pedestrian movements and unacceptable parking of vehicles on Brigg Road, which forms part of a principal traffic route carrying significant amounts of commercial HGV traffic. The proposals are therefore contrary to policy.

3.

The site is located in an area surrounded by established industrial and commercial uses. The proposed development would place unnecessary constraints and potential financial burdens upon existing employment sites in the area and restrict potential future expansion and/or development. The proposed development is therefore contrary to policies DS1, DS11 and IN3 of the North Lincolnshire Local Plan.

Informative

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 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.



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