

**Parish: Bagby**

Committee date 15 October 2020

Ward: Sowerby and Topcliffe

Officer dealing: Kate Williams

**1**

Target date: 3 September 2020

**20/01136/FUL**

**Construction of petrol filling station (Sui Generis) with associated retail kiosk (Use Class E), drive-thru restaurant (Use Class E/Sui Generis) and drive-thru coffee shop (Use Class E) with associated parking, service arrangements, landscaping and access**

**At land adjacent to Oakfield, York Road, Thirsk, North Yorkshire  
For BP Oil UK Ltd**

**This application is referred to Planning Committee as the proposed development is major development**

## **1.0 Site, Context and Proposal**

- 1.1 The application site is located to the south of Thirsk, adjacent to the A170 (York Road) and to the west of the A19 Trunk Road. The site area is approximately 3.1 hectares and comprises a relatively flat area of land currently used for grazing and arable farming. An existing residential building and associated outbuildings are situated on the site and would be demolished as part of the proposed development.
- 1.2 The site is bounded to the north by agricultural fields which are themselves bounded to the north east by York Road (A170). The site is bounded to the east by an existing access off the A170 roundabout which connects onto the A19 and A168. To the south is an established Gypsy and Traveller's site, and to the west agricultural fields, beyond which lies Cod Beck.
- 1.3 The site is outside development limits and is located in Flood Zone 1. A Site of Importance for Nature Conservation (SINC) lies to the west of the site. The site does not contain or adjoin any listed buildings and is not located within a conservation area but does lie within the setting of the Thirsk and Sowerby Conservation Area.
- 1.4 This full application seeks permission for the erection of a petrol filling station and associated retail kiosk, drive-thru restaurant and drive-thru coffee shop. All three buildings associated within the development would be accessed via the existing junction off the A19/York Road roundabout, and then an internal roundabout situated centrally within the site.
- 1.5 The predominant business proposed for the site is a BP petrol filling station which would accommodate ten petrol pumps and four electric vehicle charging points. An M&S Simply Food retail kiosk would be located within the

station building. The application also proposes a McDonald's drive-thru restaurant which would include a sit-in restaurant in addition to drive through facilities. The Costa drive through would also include a sit-in café and drive through facilities. Both drive-through facilities would include outdoor seating areas and dedicated car parking. The McDonald's drive-through would be located to the south of the site, the BP filling station and M&S Simply foodstore to the east and the drive-through Costa coffee shop located centrally.

- 1.6 The wider site would comprise car parking and dedicated HGV overnight parking areas, along with a servicing area, pedestrian and vehicular accesses and soft landscaping. A total of 128 car parking spaces are proposed, including disabled car parking.
- 1.7 Landscape buffers are proposed to the north and west of the site and include native hedgerow and tree planting around the boundary. The HGV area would utilise earth bunding to surround the north west area of the site. Existing hedgerows and trees on the periphery are proposed to be incorporated into the overall design, but there would be loss of smaller garden trees and the demolition of the existing building on site.

## **2.0 Relevant Planning and Enforcement History**

- 2.1 The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Screening Opinion Decision: An Environmental Impact Assessment is not required. Dated 28/09/2020.
- 2.2 There is no other relevant Planning history for this site.

## **3.0 Relevant Planning Policies**

- 3.1 The relevant policies are:

Core Strategy CP1- Sustainable Development  
Core Strategy CP2- Access  
Core Strategy CP3- Community Assets  
Core Strategy CP12-Priorities for Employment  
Core Strategy CP13-Market Towns Regeneration  
Core Strategy CP14-Retail and Town Centre Development  
Core Strategy CP16-Protecting and enhancing natural and man-made assets  
Core Strategy CP17-Promoting High Quality Design  
Core Strategy CP18-Prudent Use of Natural Resources  
Core Strategy CP21-Safe Response to natural and Other Forces  
Development Policies DP1-Protecting Amenity  
Development Policies DP3-Site Accessibility  
Development Policies DP4-Access for all  
Development Policies DP6 -Utilities and Infrastructure  
Development Policies DP8 -Development Limits  
Development Policies DP9 -Development outside Development Limits

Development Policies DP16-Specific Measure to assist the economy and employment  
Development Policies DP19-Specific Measures to assist Market Town Regenerations  
Development Policies DP23-Major out of Centre Shopping Proposals  
Development Policies DP28-Conservation  
Development Policies DP29-Archaeology  
Development Policies DP30-Protecting the Character and Appearance of the Countryside  
Development Policies DP32-General Design  
Development Policies DP33-Landscaping  
Development Policies DP34-Sustainable Energy  
Development Policies DP36-Waste  
Development Policies DP42-Hazardous and Environmentally Sensitive Operations  
Development Policies DP43-Flooding and Floodplains  
Development Policies DP44-Very Noisy Activities

The relevant supplementary guidance and other documents are:

Thirsk and Sowerby Conservation Area Appraisal

Emerging Local Plan - Hambleton Local Plan Publication Draft July 2019

As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990. The Hambleton emerging Local Plan was submitted to the Secretary of State (Planning Inspectorate) for examination on 31 March 2020. Further details are available at:

<https://www.hambleton.gov.uk/localplan/site/index.php>. The Development Plan for Hambleton is the Local Development Framework and the emerging Local Plan at this time is no more than a material consideration to which only limited weight can be afforded.

The relevant policies of material consideration are:

Policy S5 - Development in the Countryside

Policy S3 -Spatial Contribution

EG3 -Town Centre Retail and Leisure Provision

- 3.3 The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 amend the Town and Country Planning (Use Classes) Order 1987. This introduces significant changes, and revokes the former Use Class A1, which was a fundamental Use within town centre retail policy. The proposed uses are those that would be expected to be found in the town centre. The recent changes to the Use Classes Order results in the development now comprising the following:

- BP Petrol Filling Station (Sui Generis) and associated M&S Simply Food (Use Class E) – 310sqm
- Costa Drive Thru coffee shop (Use Class E/Sui Generis) – 187sqm; and
- McDonald's Drive Thru restaurant (Use Class E/Sui Generis) – 352sqm

#### **4.0 Consultations**

- 4.1 Thirsk Parish Council – Support the proposal
- 4.2 Sowerby Parish Council – Support the proposal
- 4.3 Bagby and Balk Parish Council – Object to the proposal. The concerns are summarised as the following main issues: traffic and road safety, health and well being/obesity, noise and pollution/residential amenity impacts, litter, environmental and heritage issues, protection of the town centre.
- 4.4 NYCC Highways Authority – No objection. No conditions have been provided at the time of writing the report.
- 4.5 NYCC Archaeology – No objection. Recommends a condition for a written scheme of Investigation
- 4.6 NYCC Lead Local Flood Authority – No objection. Recommend a detailed drainage design condition.
- 4.7 Environment Agency – No objection.
- 4.8 Yorkshire Water – No objection. Recommend standard conditions.
- 4.9 Natural England – Do not wish to make comments.
- 4.10 Yorkshire Wildlife Trust – Holding objection.  
*Comment - The concerns have been or can be addressed by condition.*
- 4.11 RAF/MOD – No objection. Require further details regarding surface water attenuation basins if implemented to ensure they do not attract large numbers of birds.  
*Comment – this can be addressed via condition.*
- 4.12 Environmental Health – No comments received.
- 4.13 Economic Development Officer – No comments received.
- 4.14 Public comments – Over 50 objections have been received including from the Campaign to Protect Rural England (CPRE) .One letter of support has been received.
- 4.15 CPRE - The concerns are summarised as the following main issues:

- The site is unallocated within the Development Plan (adopted and emerging) and is located within the open countryside.
- Detrimental impact on the important countryside setting of the settlements of Thirsk and Sowerby, its conservation area and upon landscape features.
- There is no identified 'need' for the proposals.
- The detrimental economic impact of the proposals on the market town of Thirsk.
- The detrimental impact of the proposals on the amenity of nearby residents.

#### 4.16 Public comments are summarised below:

- Residential amenity – nearby residents would be affected by activity, noise and light.
- Crime - would attract drug crime, anti-social behaviour and litter.
- Procedural - No EIA assessment.
- Emerging Local Plan – not allocated for employment, conflict with current and emerging policies.
- Health – obesity levels.
- Pollution – would increase noise, light pollution, odour, dust, vibration, underground water pollution, and have an adverse impact upon air quality and won't reduce carbon emissions.
- Traffic – would increase traffic, encourages unsustainable vehicle usage, will add to peak hour problems and insufficient electric vehicle charging points.
- Impact on Countryside – would lead to loss of agricultural land, loss of green fields and harm to landscape character and should be developed on a brownfield site.
- Ecological Impact – would have an adverse impact on local wildlife and detrimental impact on nearby Site of Importance for Nature Conservation ("SINC"), no net gains shown and impact on green infrastructure corridor.
- Harmful to heritage assets – would have an adverse impact upon the setting of the Thirsk and Sowerby Conservation Area, public open space/green space Cod Beck Green Corridor and would Impact on the National Park and Area of Outstanding Natural Beauty ("AONB").
- Flood Risk - would increase flood risk and underground water quality.
- Justification – wrong type of employment, insufficient green credentials, inappropriate type of employment.
- Impact on Thirsk town centre – there would be a negative economic impact on the town centre economy would harm rural business.
- Job creation is outweighed by adverse impacts.
- Sequential Town centre first test approach required.

#### Representations in support summarised below:

- Would create jobs and draw people into town.

#### 4.17 Statement of Community Involvement – The Council's statement of community involvement (2013) requires applications for major development or other proposals likely to have any significant impact. A public exhibition was held and advertised through leaflet distribution and a press release. A website

was created and allowed people to make comments online after the event. A total of 698 individual responses were received.

4.18 In respect of the applicant's community consultation, the following was identified:

- 69% either agreeing or strongly agreeing that there is a need for more choice in terms of fuel provision and branded food and drink facilities in and around Thirsk.
- 71% agreeing or strongly agreeing that they were in favour of the proposed new BP, M&S Simply Food, Costa and McDonald's facilities in Thirsk.
- Adverse comments reflect those in the public representations.

## **5.0 Analysis**

5.1 The main issues to consider are: i) principle of proposed development; ii) impact upon highway network; iii) impact upon landscape character; iv) impact upon ecology and biodiversity v) heritage assets; vi) design and visual impact; vii) flood risk and drainage; viii) environmental protection; ix) residential amenity and public health; x) crime

### **Principle of Proposed Development**

5.2 The main considerations are whether the location of the proposed development is acceptable outside the development limits and if it satisfies the policies in relation to retail development and roadside facilities outside of Thirsk town centre.

5.3 Policies CP1 and CP2 are overarching policies which require consideration of all the issues and impacts to achieve sustainable development.

5.4 Policies CP4 and DP9 advise that permission will only be granted when an exceptional case can be made in terms of Policies CP1, CP2 and having regard to the provisions of criterion i) to vi) of Policy CP4.

5.5 Criterion vi) in policy CP4 is most relevant and includes an exception , which permits development outside of development limits where the proposed development would support the social and economic regeneration of rural areas. Economic activity is identified as a component of rural regeneration in CP15 (Rural Regeneration). A further material consideration related to this is the Department for Transport Circular 02/2013 *Strategic Road Networks and the Delivery of Sustainable Development*. This references that the operation of an effective and efficient strategic road network makes a significant contribution to the delivery of sustainable economic growth, helping to create the conditions that support the realisation of the aspirations of businesses and communities. It also identifies it is for the private sector to promote and operate service areas that meet the needs of the travelling public.

- 5.6 This is a proposal with a clear business case and model, there are identified end-users and the applicants have very specific location requirements. The site represents an attractive viable commercial proposition when assessed within the context of the firm's analytical model. The proposed site benefits from being in proximity to residential areas, improving access to facilities, built development, adjacent to a main road, close to the A19 and with opportunities for non-car modes of transport. It would attract passing trade and provide national commercial facilities.
- 5.7 The proposal would contribute to the aims of policy CP13, CP15 and DP19 (Specific measures to assist market town regeneration). The proposal would provide for some social benefits supporting the aims of these policies to support prosperous communities. This is via enhanced consumer choice within Thirsk, reducing the need for residents and wider rural communities to travel. It would provide a petrol filling station for residents, rest areas for motorists and HGV drivers.
- 5.8 A specific measure set out in Policy DP19 xiii) is for the provision of lorry and coach parking. Whilst not an allocation, the benefits of such provision are referenced in the NPPF. Paragraph 107 of the NPPF advises that decisions should recognise the importance of providing adequate overnight lorry parking facilities, considering any local shortages, to reduce the risk of parking in locations that lack proper facilities or could cause a nuisance. It is not unusual to expect that to support this there are opportunities for convenient food and drink options. Roadside facilities can be considered to support the safety and welfare of road users.
- 5.9 The DfT Circular 02/2013 identifies that Roadside facilities perform an important road safety function by providing opportunities for the travelling public to stop and take a break in the course of their journey. Drivers of many commercial and public service vehicles are subject to a regime of statutory breaks and other working time restrictions and these facilities assist in compliance with such requirements. In terms of location this form of facility where it is immediately accessible from a junction is considered to be the suitably accessible in terms of the DfT circular requirements.
- 5.10 Timing and distance between such facilities is not prescriptive as additional services can accommodate capacity at peak times. The applicants have identified that there are some gaps in provision between the site, Wetherby and Middlesbrough. They have identified various facilities that do not serve the same function or have access issues for HGV's. This site benefits in terms of its location, and whilst it serves the travelling public it is not an inherently isolated location and will also serve residents in Thirsk and nearby villages. There is a shared benefit for the HGV park to support local businesses as well as the potential to reduce conflict parking requirements on the nearby industrial estate . In addition, it would meet national objectives identified in the DfT circular to operate an effective and efficient strategic road network and thus contributing to the delivery of sustainable economic growth.

- 5.11 The above social and environmental aspects are bolstered by economic benefits. The £7million investment would create construction employment. Whilst short term, it has been identified to support 370 direct and indirect Full Time Equivalent (“FTE”) jobs. Economic output in terms of Gross Value Added (“GVA”) is also estimated at £20.1 million during the construction phase. These impacts are short term, but of value to the local economy.
- 5.12 Based on similar schemes, it is estimated that the development could create 106 FTE jobs from operational impact. It is suggested this would be based on 76 FTE jobs and a further 30 additional resultant FTE jobs. This economic activity creates £2.3million GVA per annum and presents an uplift of approximately £21,000 pa in business rates.
- 5.13 The proposal is considered to accord with Policies CP13, CP15 and DP19. Whilst a recognised need has not been identified for the site as a whole, there are elements which would support a need within Thirsk, and there is justification for the provision of the development as a whole based on the social and predominantly economic benefits of the proposal. The Economic activity supports rural regeneration and the economic benefits can be afforded weight in accordance with paragraph 80 of the NPPF.
- 5.14 Policy CP14 and DP23 support town centres by requiring out of town development to consider need, whether there is availability of other suitable and viable sites and the impact on the vitality and viability of primary retail areas. Paragraph 86 of the NPPF requires a sequential test to be applied to planning applications for main town centre uses outside town centres, thereby these policies, notwithstanding the alterations to the Use Classes Order, are consistent with the NPPF.
- 5.15 The submitted details demonstrate that there are no sequentially preferable sites within the accepted and defined catchment area (Thirsk town centre). The applicants have identified that in terms of alternative sites, case law (Tesco Stores Ltd v Dundee City Council Supreme Court Judgement 21 March 2012) identifies that it should be considered whether the proposed development in its entirety could occupy any alternative sequentially preferable location and the scheme should not be disaggregated.
- 5.16 The Planning Practice Guidance (“PPG”) emphasises that locational requirements should be taken into consideration in applying the sequential approach. Paragraph 11 (Reference ID: 2b-011- 20140306) highlights that the “use of the sequential test should recognise that some main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations”.
- 5.17 On this basis, sites have been considered and discounted. There are no sequentially preferable sites within Thirsk Town Centre which could accommodate the development and its identified occupiers together with their associated parking, servicing arrangements and the HGV facilities.

- 5.18 The commercial viability of roadside services is also intrinsically linked to location. The location has direct connectivity to the A19 and guarantees passing trade. The site also benefits from the proximity to Thirsk and the role the town play within the wider area.
- 5.19 The applicant's assessment also considers that the proposed development would not have a material impact upon the vitality and viability of Thirsk Town Centre. The reason for this, is due to the site's position to the A19, which has been chosen by the prospective operators due to its links with the local road network in order to appeal to road users who require fuel provision and a rest stop. Such users may not otherwise visit / stop in Thirsk Town Centre. Analysis of other similar Petrol and M&S Simply Food services in operation in Oswestry (a comparable site) suggests visits are predominantly driven by passing trade combined with fuel purchases.
- 5.20 Given that the other uses on the site are a fast food offering, it is likely that residents would continue to use existing facilities in the centre for other reasons, such as proximity to people's homes and other shops and services, which help to generate linked trips. There is a wide range of uses and services in Thirsk Town Centre and therefore the majority of which would be unaffected by the proposals. Trade diversion impacts resulting from the proposed development would be dispersed across a wide range of facilities in the local area, and the impact upon any individual store or service would be low. The range of uses could increase following the change to the Use Classes Order further enhancing the vitality of the town centre. It is considered that the vitality and viability of Thirsk centre and the Primary shopping frontage would be preserved.
- 5.21 Additionally, pedestrian footways are present along York Road, leading directly into Thirsk Town Centre, making the site accessible for residents and workers from the nearby residential areas and industrial estate on foot and cycle. The nearest bus stop is also located approximately 260m north west of the site. The development would be accessible primarily by car, but also by a choice of means of transport.
- 5.22 The development has satisfied the requirements of Policies CP14 and DP23 and the NPPF in relation to out of centre retail development, including the requirement for its need, location and impact upon the town centre.
- 5.23 The increasing social and appropriately weighted economic benefits of the proposal represent material considerations which exceptionally would accord with Policy CP4 criterion vi) and Policy DP9 for development outside settlement limits. The development would bring and support further inward investment. The principle of development in this location can be supported subject to the proposal satisfying the overarching Policies CP1 and CP2 and other relevant policies of the development plan.

## **Impact upon Highway Network**

- 5.24 Policies CP2 and DP3 and DP4 reflect the advice in Paragraph 108 and 109 of the NPPF, which requires sustainable transport modes to be taken up, safe and suitable access achieved for all users. It advises that development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road networks would be severe, which is a very high test.
- 5.25 Whilst Highway Authority conditions are awaited at the time of writing the report, they have no objections. A Transport Assessment has been completed and submitted alongside the planning application. The estimated number of new trips on the local road network is considered low in the context of the existing trips taking place. The Local Highway Authority accept that the road network has the capacity to accept additional rates above this. A Stage 1 Road Safety Audit (RSA) has also been undertaken in support of the application. The proposed development can achieve safe access and junctions.
- 5.26 Car parking is provided with the petrol filling station and Drive-Thru restaurant areas. In addition, the overnight lorry parking area is proposed to provide alternative parking areas, reducing impact upon surrounding roads. The proposed facility would lead to an improvement in off-site highway and parking conditions.
- 5.27 This proposal is primarily motor car orientated, which has attracted many objections on these grounds. A Travel Plan would be prepared for this site, and there are options for alternative non-car modes of transport via bus, walk or cycle from the nearby residential areas of Thirsk and Sowerby. A further condition requiring cycle stands for each unit for convenience and to make cycling a more attractive option can be imposed. Electric vehicle charging points would be provided in designated areas at the petrol station, as these are ultra-fast charge the number of facilities is acceptable.
- 5.28 The proposal would satisfactorily meet the requirements and accord with Policies CP2, DP3 and DP4 and the guidance in the NPPF. There are no objections from the Highway Authority, and it is considered that the proposal can be adequately controlled through the imposition of conditions to ensure that the highway impacts are addressed.

## **Landscape Character**

- 5.29 Policies CP16 and DP30 are relevant in consideration of landscape character and visual impacts. Balanced against this is the requirement to support prosperous communities and to this end the above policies seek safeguards via suitable mitigation. Paragraph 170 of the NPPF, states that the planning system should contribute to and enhance the natural and local environment.

- 5.30 The applicants have identified the national, regional and local landscape character areas, but due to negligible impacts on these areas they have focussed on the Local Landscape Character and assessments. The scale of the development is not considered to have an impact upon these and it is similarly considered this applies to designated landscapes also.
- 5.31 The application site and study area fall within Area 17 Thirsk Settled Farmland as defined in the Hambleton Landscape Character Assessment and Sensitivity Study (“LCA”). This character area is focused on Thirsk and the surrounding farmed landscape. The site does not sit within any important landscape designations, and although valued locally is not a valued landscape in terms of the NPPF.
- 5.32 In summary the impacts on the application site would be the changes to field patterns through the loss of the ‘Oakfields’ residential plot and a reduction in the fields which make up the remainder of the site area. The change in land use would cause a minor reduction in the extent of farmland between York Road and Cod Beck and alter the urban pattern. The streetscape along York Road, would become more urban, less rural. Some views from the A19/York Road roundabout would become foreshortened and result in a change in character. Development would result in the loss of some landscape features such as hedge boundaries.
- 5.33 The viewpoints in the Landscape and Visual Impact Assessment (“LVIA”) have considered views from outside the site and from Bankside Close and other nearby residential properties, various public rights of way and viewpoints. In conclusion most of the views of the site will be mitigated over time. The development would be visually and physically connected to the A19/York Road roundabout junction and Thirsk Industrial Park. The development would also be generally well contained within the field pattern. Impacts on footpath users will not be significantly compromised due to presence of other industrial buildings and the current landscape context in close proximity to the built form of Thirsk and major road networks.
- 5.34 To mitigate and reduce the effects the development includes planting 174 native trees and 1743m<sup>2</sup> of native woodland. The landscape strategy shows existing hedgerows to be retained and the existing hedge along the northern boundary to be further enhanced with additional native species. It is proposed to also reflect this mix of species within the proposed hedgerows along the southern boundary and a new hedge is proposed along the western boundary. New tree planting comprises native species and will be planted throughout the development to help assimilate the development into the landscape pattern. Larger nursery stock trees (heavy standard and extra heavy standard – usually over 2m in height) and mounding are proposed to the periphery of the HGV parking area and along the northern boundary. Elsewhere smaller tree stock trees are proposed. Trees are also to be introduced into the hedgerows. Ornamental hedge planting is proposed to the frontage at the entrance from York Road. The above is subject to a landscape condition.

- 5.35 A proposal of this type in this location will inevitably have landscape impacts. The harm to landscape character and the visual effects of the development are not in their own right considered sufficient to outweigh the benefits previously identified. Whilst the development of the site would affect the landscape on the edge of Thirsk, it is not considered to be significantly detrimental given the close presence of the roundabout and Thirsk industrial estate, which are highly urbanising features. Such development would be expected to be found in proximity to road junctions. The woodland planting will be an effective mitigation for the lorry park at maturity and from views and public footpaths.
- 5.36 The proposal would result in the loss of greenfield land, but the advice in the NPPF to consider operational and location requirements should not in this case weigh heavily against the proposal. Similarly, the development would result in the loss of agricultural land, identified as Grade 3b. Its loss would not conflict with the aims in the NPPF paragraph 170. It is not a significant amount, and is of lower quality land. Natural England do not object to the proposals.
- 5.37 Impacts have been identified, but these are not so significant, particularly on maturity of the landscape scheme. The proposed development would not have an unacceptable impact on the character or appearance of the countryside, or loss of agricultural land. The requirements of Policies CP16 and DP30 seek to ensure that necessary mitigation is provided to address harm, the proposal satisfactorily achieves this and therefore accords with these policies and the NPPF.

### **Ecology and Biodiversity**

- 5.38 Policy DP31 seeks to ensure that significant harm to natural resources is avoided. The development has the potential to affect protected species and habitats and this has been identified in the ecological appraisals. The recommendations in the applicant's ecological survey suggest mitigation measures.
- 5.39 The site is within 240m of Sowerby Flatts Site of Importance for Nature Conservation (SINC). It is not anticipated that there would be any direct impacts. Natural England has not objected to the proposal, and the applicants ecological survey has not predicted any impact upon this or any further habitats. The development would include pollution control from parking areas, which will be a requirement of the drainage strategy.
- 5.40 Tree cover within the main body of the site is minimal with most trees located within boundary hedgerows or in the rear garden of the bungalow. The proposed development would necessitate the removal of some trees and hedgerows. Most are small garden trees of low value, and low quality hedgerow. Their removal would have no significant arboriculture or visual amenity impact. The tree and hedgerow losses are compensated by significant structure and buffer planting. A protected oak tree to the southwest

of the site is proposed to be retained as part of the proposals and is accommodated within the layout.

- 5.41 Additional habitat creation is proposed by way of approximately 1,700m<sup>2</sup> of native woodland planting, 500m of native hedgerow and 129 native trees. Existing hedgerows retained would be gapped up with native species. The proposed landscaping strategy would incorporate 'higher value' habitats that would offset the loss this a net gain for bio-diversity, whilst not a policy requirement it is referenced in the NPPF. No quantitative assessment has been undertaken, but overall, the applicants advise there would be an increase in green infrastructure and biodiversity across the site, which given its current character is not disputed.
- 5.42 The applicants propose avoidance measures, mitigation strategies and compensation measures. These can be conditioned alongside a construction environmental management plan which would address the comments from consultees. This will ensure that the proposed development would fulfil the requirements of CP16 and DP31.

### **Heritage Assets**

- 5.43 Policies DP28, CP16 and DP29 relate to heritage matters. They reflect the advice within the NPPF and the requirements of the relevant Acts.
- 5.44 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses.
- 5.45 Places of significance which are considered in this application include the listed Blakey Bridge (Grade II), Pudding Pie Hill (Scheduled Monument) and Thirsk Conservation Area and the heritage assets within it. The proposed development has the potential to affect the significance of the heritage assets, predominantly through impact on their setting. The NPPF recognises the setting of a heritage asset as 'The surroundings in which a heritage asset is experienced.
- 5.46 The heritage statement acknowledges Blakey Bridge's setting as one being relatively enclosed by mature trees along the banks of Cod Beck, with views east toward the site obscured by intervening hedgerows and trees, is further recognised that there are views towards the A168 and the light industrial/commercial buildings, and the proposed scheme is circa 539 metres away from the bridge.
- 5.47 Pudding Pie Hill bowl barrow a (Scheduled Monument) is to the south circa 567 metres away from the site. The heritage statement acknowledges Pudding Pie Hill's existing setting stating that the area includes a variety of commercial/light industrial structures alongside the A168, along with the caravan park and the large Thirsk Industrial Park, all east or north-east of the monument.

- 5.48 The Heritage statement explains that given the existing modern character of the setting to the north-east and east of the monument owing to the A168 and adjacent development, this area (including the Site) does not make a particular contribution to the setting or significance of the bowl barrow. In the absence of vegetation, the A168 and the Thirsk Industrial Park would also interrupt views of and from the bowl barrow. The monument is raised above the ground, and there are a number of hedgerows and trees intervening in views between the Site and the monument so there are only glimpses afforded between the site and the monument.
- 5.49 As noted above the NPPF recognises the setting of a heritage asset as the surroundings in which a heritage asset is experienced. In this particular instance it is considered that the proposed development would have a neutral impact upon the significance of the above two heritage assets due to the absence of close links, screening and distances.
- 5.50 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Thirsk and Sowerby Conservation Area.
- 5.51 The conservation area covers the open spaces alongside Cod Beck. The conservation area appraisal notes that the ability to distinguish between the two settlements (Thirsk and Sowerby) is important and that the setting of the southern part of the town (Sowerby) is protected by the inclusion of a substantial amount of the Sowerby Flatts water meadows, which “form a buffer to the modern development”. The conservation area’s boundary is drawn to include Cod Beck and the water meadows immediately adjacent the beck, as well as the bowl barrow at Pudding Pie Hill.
- 5.52 The land subject of the application encompasses agricultural character and contributes to part of the wider setting of the Conservation Area. It is considered there will be some harm to the setting of the Conservation Area as a result of the change to landscape character. These impacts are changes to field patterns, a minor reduction in farmland between York Road and Cod Beck, alteration of the urban pattern, foreshortening of some views and loss of some landscape features such as hedge boundaries. This harm is considered to result in less than substantial harm, in terms of the NPPF.
- 5.53 Although the land which surrounds the site is of relatively flat topography with limited inter visibility due to trees and hedgerows, the introduction of the proposed development, although screened to a large extent by the trees, will be visible through the trees at certain points. Where the development can be viewed from and in the context of the conservation area and historical public footpaths this will lead to a slight erosion of the rural feel of that setting, particularly as the built form covers a large area and is of a more urban nature. As such it would have a slight harmful impact upon the setting of the Conservation Area.

- 5.54 In terms of the level of harm, the site is not in the conservation area, and there is a separation distance between the conservation area and the application site. The proposed development includes measures to mitigate the impact (although no key views are identified in the Conservation Area Appraisal). Other views from York Road would include the presence of other urban features, the industrial estate and buildings, with the proposed development reflecting this character. Given the location of the site, the proposal would not result in coalescence of Sowerby and Thirsk.
- 5.55 The impact on the significance of the heritage asset (conservation area) is considered to amount to less than substantial harm due to separation distance to the Conservation Area, mitigation, which will largely maintain the amenity of footpaths and the proposed development being in keeping in scale and kind with the Thirsk industrial Estate and other urban road features.
- 5.56 Setting is a component of the overall significance of a heritage asset, it is considered that the harm to the significance of the conservation area would be of a minor level. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 5.57 Public Benefits can be those which relate to sustainable development and includes the social, environmental and economic objectives referenced. The proposal would provide predominantly social and economic benefits, this includes increased options for residents of Thirsk, lorry parking which would support wider businesses, and amenity, roadside facilities which would support road users, and improved accessibility to facilities for nearby residents. In addition, the economic benefits are not insignificant with anticipated construction jobs, full time operational jobs, spin off jobs and increased business rates. These public benefits are considered to outweigh the low level of harm.
- 5.58 The applicants have fulfilled the initial requirements of Policy DP29. The application includes an archaeological desk-based assessment. The document concludes that the development area has archaeological potential particularly for the later prehistoric and Roman periods. This is based upon its proximity to known prehistoric sites such as the nearby burial mound at Pudding Pie Hill and also the multi-period prehistoric and Roman landscape emerging at the Sowerby Gateway development to the west. The County Archaeologist has recommended a condition for mitigation as the survey revealed aspects which would not be of such significance to warrant design changes to the application.
- 5.59 There is less than substantial harm to the setting of the conservation area (and the heritage assets within it), and in turn the setting of the town. However, in accordance with the NPPF there are public benefits which outweigh the less than substantial harm. The proposals would not cause harm to any specific feature, fabric or other aspects of the heritage assets and fulfils

the requirements of Policies C16, DP28 and DP29 and in this respect can be considered to fundamentally preserve the character and appearance of heritage assets.

### **Design and Visual Impact**

- 5.60 Policies CP17, DP32 and DP33 require creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.61 The design of the scheme is typical of a petrol station, café/shop and restaurant and there are similar such buildings at such junctions in other areas. The development now proposed would replace the site's very open appearance with hard surfacing, a canopy, a sales building, and a substantial area of landscaping. The site's present openness and rural character would be partly lost, but this is not considered in the York Road context to be significant.
- 5.62 The proposed petrol filling station would stand at approximately 4.2m in height. The canopy covering the pumps would be supported by steel columns. These would measure approximately 5.5m above ground (to the underside of the canopy). There is also an additional refuelling area for HGVs, comprising of steel columns with separate canopy. The McDonald's drive thru restaurant will extend to 5.8m at its highest. The Costa drive-thru coffee shop is also of a similar scale, with a mono pitch roof. The proposed development is of a contemporary design, it proposes sympathetic cladding materials, such as softwood and render.
- 5.63 There have been concerns expressed regarding the likely need for lighting and illuminated advertising. But the site's zone of visibility is limited, and any such lighting and advertising would be seen in the context of an already well-lit road junction, the A19, residential area, industrial estate and other lighting in the nearby built-up area of Thirsk. This can be assessed via separate applications and through conditions.
- 5.64 The development would bring a more managed appearance to the site, which would be consistent with the site's immediate surroundings and the road corridor in general. Overall, the proposed development would be in keeping with the site's character as part of a main road corridor appropriate to its setting and the details are largely appropriate in terms of Policies CP17, DP32 and DP33.
- 5.65 The applicants have identified that McDonald's restaurants and BP petrol filling stations are powered by 100% renewable energy. More generally, the design of each of the proposed new uses could potentially incorporate a range of sustainability measures which the imposition of a condition can require to be implemented. Policy DP36 requires development to minimise energy demand and energy efficiency. The development proposes 4 electric vehicle

charging points, and these are ultra-fast charge. The proposal can therefore fulfil the requirements of Policies CP18, DP34 and DP36.

### **Flood Risk and Drainage**

- 5.66 The proposed development site lies within Flood Zone 1 and has a low probability of flooding. An initial assessment of flood risk has been undertaken which found the main source of potential flooding is from surface water only. The proposed drainage network incorporates storm water pollution prevention measures such as permeable paving, and petrol interceptors.
- 5.67 The Lead Local Flood Authority require further details but have confirmed this can be adequately addressed via a planning condition. This including the provision of suitable maintenance schemes and further details to address the requirements of the MOD can be controlled via planning conditions. This accords with Policies CP21, DP6 and DP43.

### **Environmental Protection**

- 5.68 There are policies which relate to ensuring that communities are healthy and safe from proposed developments within Policies CP21, DP42 and DP44.
- 5.69 The operational development would produce typical waste streams associated with a petrol filling station/small retail facility/drive-thru. However, appropriate waste storage areas are identified within the proposed development. This alongside litter management plans can be controlled via conditions.
- 5.70 A baseline noise survey was undertaken in the vicinity of the proposed site, to establish the pre-development noise climate. An odour assessment has been provided. Whilst Environmental Health recommendations are awaited at the time of writing the report it is likely the proposed development would be required to operate within these set limits which can be controlled via conditions.
- 5.71 The other main impacts are likely to be noise from vehicle movements, activity, car doors, voice, reverse beepers and illumination. This is likely to be more apparent when background levels are quieter. The separation of the site to residential areas is likely to reduce this impact. No hours of operation are proposed, and this will need to be subject to a condition for each unit. A noise-break acoustic fence or similar could be accommodated along the boundary with Bankside Close. These matters are controllable by means of planning conditions and advertisement consents in order to comply with the requirements of Policy DP44.
- 5.72 A Preliminary Risk Assessment of the proposed site was carried out. Further surveys are required, but it is considered that these risks, once identified, can be appropriately managed to reduce impacts related to ground contamination. The preliminary assessment carried out provides sufficient understanding that any mitigation and management of potential ground pollution is likely to be standard and not unusually complex. Petrol stations are subject to license

requirements external to the planning process. The proposal would meet the requirements of Policy DP42.

### **Residential Amenity and Public Health**

- 5.73 Policies CP1 and DP1 require development proposals to adequately protect amenity. Where there is potential for a decision to affect a person/s with a protected characteristic, due regard must be had to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010.
- 5.74 The Gypsy and Traveller site at Bankside Close is a nearby residential area and it shares a boundary with the site, but it is well separated and screened from that boundary by an access road. Due to separation distances from Bankside Close and other nearby residential properties, overlooking and overbearing impacts and visual disturbance from activity are not considered to be give rise to adverse impacts. The layout of the site would further block the petrol station activity from Bankside Close. Other residential properties are a sufficient distance from the site to ensure they are not unacceptably affected.
- 5.75 The area is subject to a significant amount of background traffic noise from York Road, A19 and roundabout. It is considered that the site will not have an undue or harmful impact during the daytime due to background noise levels. As referenced above screening/landscaping, operation of the businesses, lighting controls and opening hours can be imposed by condition. A Construction Management Plan can also be conditioned.
- 5.76 Objections have been received which focus on the impact upon residential amenity. It is considered where there is a potential to affect living conditions, mitigation and controls can be applied. It is identified that there is a reasonable distance to the closest site boundary at Bankside Close and further screening can be provided if necessary. The development would provide increased access to shops and facilities. Policy DP14 encourages sites to be accessible and have the same access to facilities. The provision of a small retail unit accessible to Bankside Close is a marginal benefit of the proposal. The proposal would not fail to advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 5.77 Subject to conditions the proposed development would be able to comply with Policies CP1 and DP1. In considering the Public Sector Equality Duty, the development due to the provision of new facilities would enhance access to the Gypsy and Traveller site for shops and facilities, whilst conditions can be imposed to mitigate impacts.
- 5.78 The received representations raise concerns about health and fast food culture and links to obesity. Behavioural or consumer choices regarding the nature (and healthiness) of food purchased from such uses are not the subject of any relevant planning policies, and there are no schools immediately nearby. There is a wide offering of food available across the businesses.

## **Crime**

- 5.79 Crime is mentioned amongst other anti-social issues in the representations. It would be envisaged that such a development could predominantly attract vehicle crime and making off without payment of petrol. Whilst others crime issues are noted, these are not considered to justify opposition to the proposal on the grounds of conflict with CP20. A condition can be imposed to identify and implement crime prevention measures.

## **Planning Balance**

- 5.80 The Economic Objective - The economic benefits are, in accordance with the NPPF, afforded appropriate weight. There would be substantive temporary construction employment generated both on and off-site. The operation of the development would generate many full time jobs and be likely to generate spin off employment jobs, and additional business rates would also accrue. The HGV park would support local business within the area. The facilities would also support the operation of an effective and efficient strategic road network, which is identified as making a significant contribution to economic growth.
- 5.81 The Social Objective – The proposed development has positive benefit, again afforded limited weight. Whilst tempered by the marginal impact on the setting of the town and conservation area, it would provide accessible facilities for residents, reduce the need to travel further afield and support social cohesion. In addition, it would provide facilities for road users, and provision for HGV drivers reducing conflict parking off site.
- 5.82 The Environmental Objective - The proposed development has a neutral benefit. The proposal would result in the loss of (albeit sub grade) agricultural land and involve development on a greenfield site and change to landscape character. This is mitigated by structure planting and the provision of increased green infrastructure on the site.
- 5.83 The comments from the consultees indicate that, on the whole, the proposal represents sustainable development. This is in terms of highways issues, residential amenity, ecology, heritage assets, contaminated land and drainage. The attached conditions can mitigate the impacts, are reasonable and directly relate to the proposed development. As such the proposal fulfils the overarching requirements of CP1 and CP2.
- 5.84 The proposal represents sustainable development and will specifically support the Council's objectives through promoting Hambleton as a recognised location for business by providing a range of employment opportunities and meeting the needs of new and expanding businesses. The application is recommended for approval as an exception within policy CP4 and DP9. In all other respects the development is in accordance with the development plan. Whilst the eLP is not at a significantly advanced stage and is afforded limited weight, the NPPF is a material consideration which weighs in favour of support for the proposal.

## 6.0 RECOMMENDATION

6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The permission hereby granted shall not be undertaken other than in accordance with the drawing(s) and/or details received by Hambleton District Council listed below unless otherwise modified by this condition or other conditions of this permission and agreed in writing by the Local Planning Authority:  
Dwg No. 15308-24 Rev E Proposed Site Layout.  
Dwg No. 15307-26 Rev D Proposed Costa Coffee Layout.  
Notwithstanding the 12m Totem which is specifically excluded from the permission the development shall otherwise be in accordance with the details on Dwg No. 15307-27 Rev D Proposed McDonalds Layout.  
Dwg No. 15307-25 Rev D Proposed Petrol Filling Station Layout.  
Dwg No. 1800(SIDE)-01E Costa  
Dwg No. 1800(SIDE)-02E Costa -Excluding Roof Flange Plate Sign  
Dwg No. 7280\_AEW\_8716\_0005 Rev C Proposed Building Elevations McDonalds'  
Dwg No. 15307\_28 Rev B Proposed Petrol Filling Station Building Elevations  
Notwithstanding the McDonalds Totem, Costa Roof sign and the BP 7M MID sign which are specifically excluded from the permission, development shall otherwise be implemented in accordance with the details on Dwg No. 15307-29 Rev B.
3. A) No development or demolition shall commence until a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:
  - i. The programme and methodology of site investigation and recording.
  - ii. Community involvement and/or outreach proposals.
  - iii. The programme for post investigation assessment.
  - iv. Provision to be made for analysis of the site investigation and recording.
  - v. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
  - vi. Provision to be made for archive deposition of the analysis and records of the site investigation.
  - vii. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under part (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

4. No demolition or development for any phase shall commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:
  - i. Details of any temporary construction access to the site including measures for removal following completion of construction works.
  - ii. Wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway.
  - iii. The parking of contractors' site operatives and visitor's vehicles.
  - iv. Areas for storage of plant and materials used in constructing the development clear of the highway.
  - v. Measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas.
  - vi. Details of the routes to be used by HGV construction traffic and highway condition surveys on these routes.
  - vii. Protection of carriageway and footway users at all times during demolition and construction.
  - viii. Protection of contractors working adjacent to the highway.
  - ix. Details of site working hours.
  - x. Erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate.
  - xi. Means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development.
  - xii. Measures to control and monitor construction noise.
  - xiii. Measures to control surface water during construction.
  - xiv. Details and timing of any piling operations.
  - xv. An undertaking that there must be no burning of materials on site at anytime during construction.
  - xvi. Removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works.
  - xvii. Details of external lighting equipment.
  - xviii. Details of ditches to be piped during the construction phases.
  - xix. A detailed method statement and programme for the building works.
  - xx. Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
  
5. No development shall commence, other than the temporary access approved under condition 4 until a construction ecological management plan has been submitted for the written approval of the local planning authority. The CEMP must include a protocol for the protection of nesting birds during site clearance, preparation and construction, including avoidance of hedgerow removal during the main birds nesting season (i.e not March to August inclusively), a detailed Great Crested Newt mitigation and avoidance method statement, a working method statement for the demolition of the existing building on site. It shall also include details relating to overnight excavations and timings of a checking survey for badgers 2 months prior to the start of development.

Once approved development shall be undertaken in accordance with approved CEMP and must be available onsite for consultation by site operatives throughout the course of construction works.

6. The development shall not be commenced until a plan has been submitted to and approved in writing by the Local Planning Authority to show all existing trees which are to be felled or retained together with the positions and height of protective fences, the areas for the storage of materials and the stationing of machines and huts, and the direction and width of temporary site roads and accesses.
7. Prior to the commencement of the development, with the exception of demolition of existing buildings and those approved under conditions 3, 4, 5 and 6 the development hereby permitted shall not commence prior to the submission of a scheme to install the underground tanks which has been approved in writing by, the local planning authority. The scheme shall include the full structural details of the installation, including details of excavation, the tanks, tank surround, associated pipework and monitoring system. The development shall be implemented in accordance with the approved details and subsequently maintained, in accordance with the scheme, or any changes subsequently agreed, in writing, by the Local Planning Authority.
8. Prior to the commencement of the development, with the exception of the demolition of existing buildings and those approved under conditions 3, 4, 5 and 6 the details of the oil interceptors shall be submitted for the written approval of the Local Planning Authority. This shall show that Surface water draining from areas of hardstanding shall be passed through an oil interceptor or series of oil interceptors, prior to being discharged into any watercourse, soakaway or surface water sewer. The interceptor(s) shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water shall not pass through the interceptor(s). Vehicle wash downs and detergents shall not be passed through the interceptor.
9. Prior to the commencement of the development, with the exception of the demolition of existing buildings and those approved under conditions 3, 4, 5 and 6 no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority. The following schemes of off-site highway mitigation measures must be completed as indicated below:
  - i. Roundabout junction widening and potential tie in modifications and improvements.
  - ii. The proposed enhancements include a widened area of hardstanding along the existing alignment of the pedestrian link to allow a shared footway / cycle way to be provided. In addition, appropriate tactile paving areas, signage and dropped kerbs would be incorporated along the route, including dropped kerbs and tactile paving areas on the A170 York Road to the north of the application site to improve

- pedestrian and cyclist access between the application site and Thirsk to the north.
- iii. The enhanced pedestrian / cycle route would incorporate new / enhanced crossing facilities at the western arm of the A170 / A19 / A168 northbound off-slip roundabout junction, a dedicated pedestrian access to the PFS and a route along the main vehicular access off the roundabout.
  - iv. Tactile crossing points identified on previous diagram.
  - v. Equestrian cautionary signs.

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.

A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.

Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme and prior to the first occupation and use of the development.

10. Prior to the commencement of the development, with the exception of the demolition of existing buildings and those works approved under conditions 3, 4, 5 and 6 there must be no excavation or other groundworks, investigative works or the depositing of material on the site in connection with the construction of the access road or building(s) until full details of the following have been submitted to and approved in writing by the Local Planning Authority:
  - i. Vehicular, cycle, and pedestrian accesses.
  - ii. Vehicular parking.
  - iii. Cycle parking provision for each unit.
  - iv. Vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear.
  - v. Loading and unloading arrangements.

No part of the development must be brought into use until the vehicle access, parking, manoeuvring, turning areas and cycle parking have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

11. Prior to the commencement of the development, with the exception of the demolition of existing buildings and those approved under conditions 3, 4 and 5 No development shall commence until a scheme restricting the rate of development flow runoff from the site has been submitted to and approved in writing by the Local Planning Authority. The flowrate from the site shall be restricted to a maximum flowrate of 9 litres per second for up to the 1 in 100 year event. A 30% allowance shall be included for climate change effects for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event, unless

otherwise approved in writing by the Local Planning Authority. The scheme shall include a detailed pollution control measure and details of the maintenance and management regime. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme has been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development and be written into the deeds of the development.

12. No construction works in the relevant area (s) of the site shall commence until measures to protect the public water supply infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. If the required stand -off or protection measures are to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area , the approved works have been undertaken.
13. No development, with the exception of the demolition of existing buildings and that approved under conditions 3, 4, 5 and 6 shall take place until details of the proposed means of disposal of foul water drainage for the whole site , including details of any balancing works , off-site works and phasing of the necessary infrastructure, have been submitted to and approved by the local planning authority. If sewage pumping is required from any part of the site , the peak pumped foul water discharge must not exceed 6 (six) litres per second. Furthermore, unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works . Foul water from kitchens and/or food preparation areas of any restaurants and/or canteens etc. must pass through a fat and grease trap of adequate design before any discharge to the public sewer network.
14. A Biodiversity Enhancement and Management Plan shall be submitted for the written approval of the Local Planning Authority. The plan shall include the timescale for implementation prior to the completion and occupation of the development. Once approved development shall be implemented in strict accordance with the approved details.
15. The development shall not be occupied until a detailed landscaping scheme and management plan has been submitted for the written approval of the Local Planning Authority. The scheme shall indicate any earthworks required the type, height, species and location of all new trees and shrubs and a management plan outlining the timing of planting, timing of planting in relation to completion of the units and the responsibility and maintenance of the landscape areas has been submitted to and approved in writing by the Local Planning Authority. Once approved the development shall be implemented in accordance with the approved landscape scheme and management details unless otherwise approved in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced by the developer with others of similar size and species.

16. Prior to construction of the external walls of the units hereby approved an extract ventilation scheme shall be submitted for the written approval of the local planning authority. The scheme shall give details of noise and odour as follows:
- i. Details of ventilation and fume extraction, including a full technical specification by a suitably qualified technical person.
  - ii. The scheme should specify the position of ventilation, fume or flue outlet points.
  - iii. The type of filtration or fume treatment to be installed including details of the emissions, methods of treatment to remove odour, particles or droplets and associated noise levels.

If the assessment indicates that noise or odour from the development is likely to affect neighbouring residential properties then a detailed scheme of mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The noise mitigation measures shall be designed so that nuisance will not be caused to the occupiers of neighbouring noise sensitive premises by noise or odour from the extract and ventilation systems. The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

17. Prior to the construction of the external walls of the units and completion a management operating plan relating to the coffee shop/drive-thru, the restaurant/drive thru, the petrol station/retail unit and the HGV parking hereby approved shall be submitted for the written approval of the Local Planning Authority. This shall include an assessment on the potential for sources of noise and disturbance from the development likely to affect residential amenity in the area, and shall also identify the following:
- i. Hours of opening for each unit for visiting members of the public
  - ii. A waste management plan setting out how and when waste will be stored, collected and timings relating to the collection and emptying of refuse and recyclables.
  - iii. Outside maintenance and cleaning activities.
  - iv. The provision of Litter bins and litter management plans for each unit and the HGV parking.
  - v. A parking management plan including the details on the allocation and management of the on-site HGV parking spaces

If the assessment indicates that the hours of use and operational requirements are likely to affect neighbouring residential amenity then a detailed scheme of mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the completion of the development and occupation of the units to which the mitigation measure apply. The approved details shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

18. Prior to occupation of any part of the development details that show how 'Secured by Design' principles have been incorporated into the scheme shall be submitted to, and approved in writing, by the Local Planning Authority. The development shall be implemented in accordance with the approved plans.

19. Prior to the first occupation of the development, a Travel Plan must be submitted to and approved in writing by the Local Planning Authority. The Travel Plan will include:
- i. Agreed targets to promote sustainable travel and reduce vehicle trips and emissions within specified timescales and a programme for delivery.
  - ii. A programme for the delivery of any proposed physical works.
  - iii. Effective measures for the on-going monitoring and review of the travel plan.
  - iv. A commitment to delivering the travel plan objectives for a period of at least five years from first occupation of the development.
  - v. Effective mechanisms to achieve the objectives of the travel plan by both present and future occupiers of the development.

The development must be carried out and operated in accordance with the approved Travel Plan. Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented as long as any part of the development is occupied.

20. Notwithstanding the formation of any temporary access approved under condition (4) there must be no access or egress by any vehicles between the highway and the application site until splays are provided giving clear visibility measured along both channel lines of the major road from a point measured down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times. An explanation of the Highway terms used are available from the Local Highway Authority.
21. Notwithstanding the formation of any temporary access approved under condition (4) there must be no access or egress by any vehicles between the highway and the application site until visibility splays providing clear visibility of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway of the major road have been provided. In measuring the splays the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
22. Prior to the occupation of the relevant part of the development, details of Electric Vehicle Charging Points (ECVPS) shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the Specification of charging equipment. The development shall be carried out in accordance with the details so approved, shall be maintained as such thereafter and no change shall take place without the prior written consent of the Local Planning Authority.
23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the premises shall only be used for the purposes specified in the application and for no other purpose (including any other

purpose in Class (E) on the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).

24. The areas allocated for vehicle parking, loading and unloading, circulation and manoeuvring on the approved plans shall only be used for the said purpose and not for any other purposes.
25. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.
26. Prior to the commencement of the development (excepting demolition works) precise details of the external materials to be used in connection with the development hereby permitted shall be submitted to, approved in writing by and implemented in accordance with the requirements of the Local Planning Authority and retained as such in perpetuity. The details shall include samples of the type and shade of cladding, window frames and, sample panels and brick types and a roofing material sample combined with a schedule of the exact product references.
27. Details of the lighting scheme for each unit and across the shall be submitted for the written approval of the Local Planning Authority. Details will include how the lighting scheme has been designed to take into account the ecology of the site and neighbouring residential amenity specifying hours of illumination. Once approved the development shall be implemented in accordance with the approved details and retained for the life of the development.
28. A scheme detailing the sustainability measures identified in the Design and Access Statement shall be submitted for the written approval of the local Planning Authority. Once approved the development shall be implemented in accordance with the approved details and retained for the life of the development.

The reasons for the above conditions are: -

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and ensure that the development hereby permitted is carried out in accordance with the approved details in the interests of sustainable development in accordance with LDF Policy CP1.
3. In the interests of protecting man-made assets in accordance with LDF policies CP16 and DP29
4. In the interest of sustainable development and residential amenity in accordance with LDF Policies CP1 and DP1.

5. In the interests of protecting natural assets in accordance with LDF Policies CP16 and DP31.
6. In the interests of protecting natural assets in accordance with LDF Policies CP16 and DP31.
7. To reduce the risk of pollution to the water environment in accordance with LDF policies CP21 and DP42.
8. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks in accordance with LDF policies CP21 and DP42.
9. To ensure that the design is appropriate in the interests of the safety and convenience of highway users in accordance with LDF Policies CP2 and DP3.
10. To ensure that the design is appropriate in the interests of the safety and convenience of highway users in accordance with LDF Policies CP2 and DP3.
11. In order to ensure that flood risk is not increased elsewhere in accordance with LDF Policies CP21 and DP43.
12. In the interest of public health and maintain the public water supply in accordance with LDF Policies CP21 and DP42.
13. To ensure that no foul water discharges take place until proper provision has been made for their disposal in accordance with LDF Policies CP21 and DP42.
14. To ensure that no foul water discharges take place until proper provision has been made for their disposal in accordance with LDF Policies CP21 and DP42.
15. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with LDF Policies CP17 and DP33.
16. In the interests of residential amenity in accordance with LDF Policies CP1 and DP1.
17. In the interests of residential amenity in accordance with LDF Policies CP1 and DP1.
18. In the interests of amenity in accordance with LDF Policies CP20.
19. To establish measures to encourage more sustainable non-car modes of transport in accordance with LDF Policies CP2 and DP4.
20. In the interests of highway safety in accordance with LDF Policies CP2 and DP3.

21. In the interests of highway safety in accordance with LDF Policies CP2 and DP3.
22. In the interest of sustainable development in accordance with LDF Policies CP2 and DP4.
23. This use only is permitted and other uses, either within the same Use Class, or permitted by the Town and Country Planning (GPD) Order 2015 are not acceptable to the Local Planning Authority in this location in the interests of town centre protection in accordance with LDF Policies DCP14 and DP21.
24. To ensure the provision and availability of satisfactory off-street parking and servicing/loading/unloading facilities for the development in accordance with LDF Policies CP2 and DP3.
25. In the interests of the environment in accordance with LDF Policies CP21 and DP42.
26. In order to retain control over the external appearance of the development in the interest of the visual amenity of the area in accordance with LDF policies CP17 and DP32.
27. In the interest of the natural environment and residential amenity in accordance with LDF Policies CP1, DP1 and CP16 and DP31.
28. In the interests of sustainable development in accordance with LDF Policies CP18 and DP34.