

**Parish: Sowerby**  
Ward: Sowerby and Topcliffe

Committee date: 14 January 2021  
Officer dealing: Mrs Kate Williams  
Target date: 18 January 2021

**2**

**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 presented to Planning Committee as the proposed development is of significant public interest**

## **Update**

A third party Environmental Impact Assessment (EIA) screening direction request to the Secretary of State was made on 14 October 2020. The Secretary of State has now issued their decision that the development is not 'EIA development'. Further discussion on this is provided in the Planning History and the report. Additional representations have also been received, since the 15 October 2020 planned committee. Members are advised that the report has therefore been amended throughout.

### **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 with 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, with 22 spaces, 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 September 2020.
- 2.2 MHCLG Case Reference: PCU/EIASCR/G2713/3261504 Thirsk Friends of the Earth and CPRE North Yorkshire screening direction request dated 08/10/2020 on the matter of whether or not the development proposed is 'EIA development' 14/10/2020. The Decision by the Secretary of State 23/11/2020 is set out below:

*Accordingly, in exercise of the powers conferred on him by regulation 5(3) of the 2017 Regulations the Secretary of State hereby directs that the proposed development is not 'EIA development' within the meaning of the 2017 Regulations. Permitted development rights under the Town and Country Planning (General Permitted Development) Order 2015 (SI 596) as amended are therefore unaffected.*

- 2.3 Hambleton Local Plan Alternative Sites Consultation April 2017.

- ALT/T/139/018 - Proposed Use: Housing – Not a preferred site.
- ALT/T/139/019/E - Proposed Use: Employment – Not a preferred 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 Regeneration  
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 Local Plan was considered at

Examination in Public during Oct-Nov 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 is no more than a material consideration. The Local Planning Authority may give weight to relevant policies in an emerging plan as advised in paragraph 48 of the NPPF.

The most relevant emerging Local Plan policies are:

Policy S5 - Development in the Countryside  
Policy S3 -Spatial Contribution  
EG3 -Town Centre Retail and Leisure Provision

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 amend the Town and Country Planning (Use Classes) Order 1987.

From 1st September 2020 this introduced significant changes, and revoked the former Use Class A1 Shops and A3 (Food and drink), alongside Use Classes A2 (Financial and professional services), B1 (Business), D1 (Non-residential Institutions) and D2 (Assembly and Leisure) which now fall within Use Class E (Commercial, Business and Service). Movement from one use to another within the same use class is not development, and does not require planning permission. 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 Further consultation responses have been received and are included in the summaries below.
- 4.2 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/ well-being/obesity, noise and pollution/residential amenity impacts, litter, environmental and heritage issues, protection of the town centre.
- 4.4 NYCC Highways Authority – Conditions recommend visibility splays, off site highway works via an agreement under Section 278 of the Highway Act with the Highway Authority, travel plan and construction management plan.

- 4.5 NYCC Archaeology – No objection. Recommends a condition for a written scheme of Investigation.
- 4.6 NYCC Lead Local Flood Authority – No objection. Would like to see further details in relation to volume control and demonstration of the minimum operational standards. They recommend a detailed drainage design condition.
- 4.7 Environment Agency – No objection. To reduce the risk of pollution to the water environment they recommend planning conditions.
- 4.8 Yorkshire Water – No objection. Recommend standard conditions. No objection. Recommend standard conditions in order to protect the local aquatic environment and Yorkshire Water infrastructure.
- 4.9 Natural England – Do not wish to make comments. They advise the lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.
- 4.10 Yorkshire Wildlife Trust – Holding objection. They advise further bat surveys are required, which have been provided. They recommend the use of the Defra v2.0 metric to demonstrate net gains. They advise suitable compensatory habitats should be provided, and low lux level lighting schemes. They recommend a construction environmental management plan for works during construction.
- 4.11 RAF/MOD – No objection. They have no safeguarding concerns regarding the height of the development. Require further details regarding surface water attenuation basins if implemented to ensure they do not attract large numbers of birds, and a flat roof bird hazard management plan, and policy for litter to deter scavenging birds.
- 4.12 Environmental Health – (Contaminated Land) It is agreed from the preliminary assessment that the risks from contamination on site are low. Given the end use there is no justification to request a Phase 2 assessment but they agree to the inclusion of a condition to address any discovery of unexpected contamination.
- 4.13 Environmental Health – No objections, but have concerns about the impact upon the adjacent Gypsy and Traveller Site and therefore conditions for hours of use or acoustic screening and an extract ventilation scheme are recommended.
- 4.14 Economic Development Officer – No comments received.
- 4.15 Public comments – 65 objections have been received including from the Campaign to Protect Rural England (CPRE). One letter of support has been received.
- 4.16 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.
- It would have a detrimental economic impact on the market town of Thirsk.
- It would have a detrimental impact on the amenity of nearby residents.

4.17 CPRE North Yorkshire and Thirsk Friends of the Earth - requested a screening direction from the Secretary of State. They advised the Secretary of State that the project constitutes EIA development and a full Environmental Impact Assessment should be required. In summary the screening direction request related to the following:

- Impacts upon aquifer.
- Location within the countryside and conflict with Local Plan Policy
- Exclusion for housing and employment from the emerging Local Plan.
- Arboriculture impact,
- Loss of agricultural land, agricultural classification.
- Loss of green space.
- Impact upon Heritage Assets.
- Loss of greenspace.
- Noise.
- HGV inclusion.
- Town centre viability.
- Climate change and sustainable development.

4.18 MHCLG Secretary of State Screening Direction - The proposed development is not 'EIA development' The written statement from the Secretary of State sets out that:

The proposal is schedule 2 development within the meaning of the EIA 2017 Regulations.

It is not likely to have significant effects on the environment as set out in the reasons in terms of the 2017 Regulations.

Further consideration by the Secretary of State has also been given as requested in respect of greenfield agricultural land, the effect on nearby heritage assets and potential for resulting contamination of groundwater and watercourses including Cod Beck

The Secretary of State consulted Historic England (HE). The SoS identifies that HE has some concerns, but considers overall there would be less than substantial harm to designated and non-designated heritage assets.

The loss of greenfield/agricultural land is not considered significant in this context.

The Secretary of State also consulted the Environment Agency. The EA referred to their consultation response of no objection and mitigation via conditions. Activities would be subject to industry/legal standards which in this case includes licence requirements for the petrol station.

Given the mitigation there are no other impacts amongst those not addressed (impact on designated sites protected for ecological or landscape purposes, biodiversity, loss of natural resource, visual impact, risk of accident and light

pollution or other amenity issues particularly with regard to nearby residences such as the established Gypsy and Travellers site) that indicate a likelihood of there being significant environmental effects from this proposal. There may be some localised amenity impacts primarily in relation to noise and traffic, but they are not considered to be of such magnitude as to result in significant environmental effects. Satisfactory mitigation of the likely impacts can be achieved.

4.19 Public comments are summarised below (65 objections have been received) :

- Residential amenity – nearby residents would be affected by Activity, light and noise.
- 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, and asthma.
- 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. Litter.
- 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, green infrastructure corridor.
- 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 and need – wrong type of employment, insufficient green credentials, inappropriate type of employment, zero need for more service stations due to abundance of facilities in Thirsk and recently re-developed A19 facilities, there are an abundance of petrol stations, there are 2 less than 3 miles south of the development. There is another service station on the eastern side of the A19 just a third of a mile away, and a further three serviced stations in the town itself.
- Impact on Thirsk town centre – there would be a negative economic impact on the town centre economy, would harm rural business and other petrol stations on the A19
- The carbon footprint of such a needless development should also be heavily considered. Development should only be considered if there is a significant need for it.
- Job creation is outweighed by adverse impacts.
- Sequential Town centre first test approach required.
- Request a review of the Council's screening opinion
- The footpaths in the vicinity of the site between the central areas of Thirsk will result in more litter being dropped in that area, the litter control plan does not extend into this area.

Representations in support summarised below:

- Would create jobs and draw people into town.
- 4.20 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.

## 5.0 **Analysis**

- 5.1 The main issues to consider are: i) principle of the 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 In terms of the local Development Plan, the application site is not allocated for any particular use within the Development Policies DPD or the Allocations DPD. It sits outside but immediately adjacent to the settlement boundary for Thirsk and Sowerby. The subject application proposals therefore comprise development in the open countryside and Policy DP9 of the Development Policies DPD should apply, whereby permission will only be granted in exceptional circumstances having regard to the provisions of Core Strategy Policy CP4. Whilst the site was discounted as a preferred option, in the Local Plan this does not preclude it being considered.
- 5.4 The proposed development is not the same as the preferred options, but there are components which have similar impacts. The application has however been submitted alongside a raft of technical assessments required by the full planning application process. Ultimately the proposed location in proximity to the roundabout is much more appropriate for a commercial development requiring prominent frontage and access. Fundamentally though, this application is borne out of a commercial requirement which has driven the choice of this site. The emerging Local Plan has not allocated sites for such commercial development, as they tend to arise purely to meet specific market needs in certain locations. Comments from consultees can be considered and the application considered on its own circumstances.

- 5.5 Policies CP1 and CP2 are overarching policies which require consideration of all the issues and impacts to achieve sustainable development. 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.
- 5.6 Examples of such exceptional circumstances include where development is required to support the social and economic regeneration of rural areas. 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 Policy CP15.
- 5.7 Proposals which would contribute to the development and provisions of services which could broadly help support the service centre function of Thirsk including social and economic need of rural communities are referenced within Policies CP13, CP15 and DP19.
- 5.8 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. Policy DP23 requires demonstration that the need for the proposal in quantitative and qualitative terms outweighs other planning considerations. However, this policy references revoked national retail policy in Planning Policy Statement 6 Planning for Town Centres (“PPS6) within its justification, and this is not a national test. The NPPF now provides guidance on proposals for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan.
- 5.9 Paragraph 89 of the NPPS states “When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m<sup>2</sup> of gross floorspace). This should include assessment of: a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).”
- 5.10 Unlike Policy DP23, there is no reference in national policy to demonstrate need. The applicants have provided information about need for the proposal, within their briefing note (July 2020). It identified that the development proposals would provide a range of local retail and food and drink services for local residents and, in doing so, reduce the need for residents to travel further afield to other such facilities. In particular, this includes HGV drivers who would be less likely to frequent Thirsk Town Centre due to parking restrictions for HGV lorries within the town centre.

- 5.11 The applicant's assessment of need does not identify any quantitative deficit, which is reflected in the Hambleton retail and leisure study 2016. This document did however identify that Thirsk lacks larger national multiples and therefore cannot cater for all of the catchment areas retail requirements, which has been argued by the applicants.
- 5.12 In terms of the applicant's requirements, the aggregated approach is intended to provide Marks & Spencer with an opportunity to establish a presence in the area where the population is too small to support a larger, 'Foodhall' format store. Similarly, for McDonald's and Costa, co-locating with the BP/M&S franchise store provides access to passing trade and a local customer base in an area which might not otherwise be commercially viable to the operators and purportedly providing a greater range to local residents. The applicants have provided information about need for the proposal, within their briefing note (July 2020). It identified that the development proposals would provide a range of local retail and food and drink services for local residents and, in doing so, reduce the need for residents to travel further afield to other such facilities. In particular, this includes HGV drivers who would be less likely to frequent Thirsk Town Centre due to parking restrictions for HGV lorries within the town centre.
- 5.13 In respect of the applicant's community consultation they advise of a 69% response rate which agreed or strongly agreed that there is a need for more choice in terms of fuel provision and branded food and drink facilities in and around Thirsk, with 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. The applicants also acknowledge that a number of comments were made on specific issues including highways, HGV usage, litter and pollution, the overall need for the development, heritage and visual impact (which are considered in the report).
- 5.14 The proposed development would also provide lorry parking. 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. The overnight lorry parking area is proposed to provide alternative parking areas, reducing the pressure for parking upon surrounding nearby roads and supporting local businesses.
- 5.15 The applicants advise that residents expressed concerns regarding the lack of facilities for HGV drivers within the nearby Thirsk Industrial Park, both in terms of parking and basic services such as toilets and eateries. Since the public consultation event, the design and layout of the development has therefore revised to provide parking facilities for an increased number of HGV. HGV drivers would additionally benefit from the goods and services being offered as part of the wider development, making the development a convenient place to rest for road users.

- 5.16 In terms of roadside facilities, the Department for Transport Circular 02/2013 Strategic Road Networks and the Delivery of Sustainable Development (“DfT Circular”) references that this 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 references 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.
- 5.17 The choice of the application site for BP’s proposed petrol filling station is underpinned by the two-way traffic flow running north/south just to the north of the junction adjacent to the application site, which is in the region of 36,000 vehicles per day. This is a very high flow of traffic in absolute terms as would be expected on a nationally strategic route which the applicants state would provide a substantial need for services including fuel, rest and refreshment. 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.
- 5.18 The representations refer to there being sufficient and alternative services within the area, however the applicants have sought to differentiate between BP’s proposed development and those petrol filling and service stations elsewhere in the surrounding area. 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. In addition, timing and distance between such facilities is not prescriptive as additional services can accommodate capacity at peak times. Competition is not a material planning consideration.
- 5.19 The economic benefits include a £7million investment which would create construction employment., 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.
- 5.20 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. The applicants have identified that the economic activity creates £2.3million GVA per annum and presents an uplift of approximately £21,000 pa in business rates.
- 5.21 In terms of Criterion ii) of DP23 it requires consideration that there are no suitable viable of available sites within or on the edge of the existing Primary Retail Areas. It is also consistent with the NPPF in that it advises that major shopping proposals outside the Primary Retail Areas designated under Policy DP21 of more than 500 sqm will not be permitted in order to protect the vitality and viability of existing town centres. On its own this retail element comprises less than 500 sqm, with the food and drink offerings provision of approximately 539 sqm equating to 849 sqm. However, the development as a whole comprises uses that would be expected to be found within the town centre and exceed the 500 sqm threshold by 249 sqm. The national threshold is 2,500m<sup>2</sup>

- 5.22 Paragraph 86 of the National Planning Policy Framework (NPPF) states: *Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.*
- 5.23 A proportionate town centre assessment has been undertaken including consideration of any potential impact on the vitality and viability of Thirsk Town Centre and a sequential site assessment. The submitted details demonstrate that there are no sequentially preferable sites within the accepted and defined catchment area. The NPPF states that applicants and local authorities should demonstrate flexibility on issues such as form and scale. In this context, the suitability of alternative sites has been assessed in terms of their physical capability to accommodate the entire form of development proposed in the application, and has not disaggregated it.
- 5.24 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. 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. As there are no suitable sequentially preferable locations, the sequential test is passed.
- 5.25 DP23 iii) also requires that consideration that there would be no adverse impact upon the vitality and viability of the existing designated Primary retail areas. The applicant's assessment therefore also considers the impact upon Thirsk town centre. It advises 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.
- 5.26 It is considered that although the Hambleton Retail Study Update Note (March 2019) concludes that there is no quantitative need identified in any part of Hambleton for convenience retail capacity, this element of the proposal is limited at 310sqm, and would normally fall below the thresholds within DP23. 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 are unlikely to be affected by the proposals. The applicants advises that 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.

- 5.27 A further requirement of DP23 iv) is that the proposed development would be accessible by a choice of means of transport. 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 in terms of distance from some residential areas and the industrial estate it is within walking distance of less than 1km.
- 5.28 The lorry park and facility as a whole would also help contribute to the operation of an effective and efficient strategic road network and reduce pressure on surrounding estate roads. Policy DP19 supports proposals which provide facilities for lorry and coach parking.
- 5.29 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.
- 5.30 Whilst future development may come forward along York Road each application is judged against the Development Plan and balancing material considerations of varying weight. 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 the Highway Network**

- 5.31 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.
- 5.32 The site will be accessed via the existing junction off the A19/York Road roundabout, and then an internal roundabout situated centrally within the site. A Transport Assessment has been submitted alongside the planning application (and a travel plan will be required by condition). The estimated number of new trips on the local road network is considered low in the context of the existing trips taking place locally. The Highway Authority accept that the road network has the capacity to accept additional rates of traffic above this and the local network is not identified as particularly susceptible to congestion and it therefore has no objection.
- 5.33 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.

- 5.34 This proposal is primarily motor car orientated, which has attracted many objections on these grounds. The representations consider that the development because of its location, lack of sustainable transport considerations within a safe and reasonable walking/cycling distance to services and facilities.
- 5.35 A Travel Plan would be prepared for this site, and there are options for alternative non-car modes of transport via bus, walking or cycling on the road network 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.
- 5.36 The s278 Highway Agreement seeks to provide road junction and widening areas to tie in with existing footpaths. This will include tactile pavements and improved crossing facilities. In addition, equestrian precautionary sign will also be required. The Highway Authority has requested improved pedestrian and cycle access from the site to the north. Whilst the applicants agree to the recommendations of the Highway Authority they do not consider that this element should be included.
- 5.37 The Highway Authority would like the cycleway upgrade to remain, as part of the recommendation and feel as though it's not unreasonable given the relatively short distance. New developments that have important destinations within them, such as this, should be provided with cycle and pedestrian links to adjacent residential areas and local cycle routes so that residents can cycle to the new facilities.
- 5.38 The applicants envisaged that these trips could easily be accommodated within the existing pedestrian and cycle provision, with limited trips from the north and very limited residential areas. In light of the limited need for, and benefits of, the requested works they consider this a disproportionate, unnecessary and neither fairly nor reasonably related in scale and kind to the proposed development in the context of the Community Infrastructure Levy Regulation 122 requirements. They advise that a contribution of this nature could compromise the viability of the scheme. The transport assessment did not consider that a significant of trips would be generated via this route suggested by the Highway Authority, and therefore on balance this is not considered to be fundamental to the acceptability of the scheme as a whole.
- 5.39 The Secretary of State advised that no likely significant effects are anticipated through the resulting emissions from vehicles given the nature, scale and characteristic of the proposed development in relation to the EIA screening request. Considering the proposals impact on the local road network, although patterns of road use will be affected, the various uses are not likely to be significant generators of new trips onto the network either individually or taken together. Therefore, overall, the Secretary of State considers significant environmental impact through road traffic congestion is unlikely.

5.40 There is an outstanding issue regarding a wayleave, but that is a matter to be progressed by NYCC outside of the planning process. Therefore given the above travel plan and the proposal being sited to serve the strategic road network as well as local residents and business, its location and the transport impacts overall are acceptable. 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**

5.41 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.

5.42 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.

5.43 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.

5.44 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.

5.45 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.

- 5.46 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.
- 5.47 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.
- 5.48 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.
- 5.49 The Secretary of state also acknowledges some loss of greenfield agricultural land. They identify the loss will, however, be less than the indicative 5ha threshold for this type of development as referred to in PPG. The requesting party also indicates the information does not clearly distinguish as to whether the land is under classification 3a or 3b. The local authority consider the land to be class 3b i.e. not defined as best and most versatile. However, should a portion of the land fall under category 3a, the Secretary of State would not be persuaded that such loss of land would be significant in this context, given the nature, scale and characteristics of the proposed development.
- 5.50 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**

- 5.51 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.
- 5.52 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.
- 5.53 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.
- 5.54 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.
- 5.55 The applicants propose avoidance measures, mitigation strategies and compensation measures, they have provided updated surveys as suggested 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**

- 5.56 Policies DP28, CP16 and DP29 relate to heritage matters. They reflect the advice within the NPPF and the requirements of the relevant Acts.
- 5.57 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.

- 5.58 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.
- 5.59 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.
- 5.60 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.
- 5.61 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.
- 5.62 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.
- 5.63 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.
- 5.64 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.

- 5.65 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.
- 5.66 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.
- 5.67 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.
- 5.68 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. The Secretary of State has consulted Historic England (HE). Although HE has some concerns, overall, it considers that there appears to be less than substantial harm to a number of designated and non-designated heritage assets.
- 5.69 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.
- 5.70 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 less than substantial harm.

- 5.71 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. The Secretary of State also advised that HE indicated the potential for surviving waterlogged archaeological deposits as well as the potential for the contamination of any remains as a result of the proposed development. The Secretary of State noted that no objection was received from North Yorkshire County Council's archaeological unit and considered that the condition for mitigation and the findings of the survey work was also appropriate.
- 5.72 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. Whilst the proposed development could in principle be sited in an alternative location, the proposed site specifically meets the particular operational requirements of the businesses.

### **Design and Visual Impact**

- 5.73 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.
- 5.74 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 of increasing urban character and proximity to the A19, and industrial Estate comprising the large 'Tomrods' building to be significant.
- 5.75 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.

- 5.76 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.
- 5.77 The written statement provided by the Secretary of State advised that the resultant urbanising effect would not be environmentally significant in terms of the Environmental Impact Assessment. Comment was also provided that the scale is not considered to be unacceptable given the locational context, near to the existing industrial area to the south east of the main urban area of Thirsk.
- 5.78 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.
- 5.79 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 as these are ultra-fast requiring a shorter turn around with a full charge around 20 minutes, the specification has however been conditioned to ensure this.
- 5.80 The objections related to the aims of reducing carbon emissions are valid. Balanced against this is the acknowledgement nationally of the importance of road freight to the UK's economy. It is also nationally acknowledged that there is a need nationally for freight carbon review, which is beyond the control of the application. However, the applicants are proposing measures which can be secured via conditions in their operations, construction and a Travel Plan is also conditioned. Balancing conflicting requirements, the proposal as a whole is considered to accord with the Development Plan and requirements of Policies CP18, DP34 and DP36.

### **Flood Risk and Drainage**

- 5.81 DP43 seeks protection from development where it would have an adverse effect on watercourses or increase the risk of flooding elsewhere.
- 5.82 The proposed development site lies within Flood Zone 1 and has a low probability of flooding. The submitted information identifies that foul water will discharge to the public foul sewer network, sewer pumping will likely be required. Sub-soil conditions do not support the use of soakaways, Surface water will therefore discharge to onsite SUDS features and ultimately to Cod Beck via an existing culverted ditch.

- 5.83 The Lead Local Flood Authority would like to see further details but have ultimately confirmed this can be adequately addressed via planning conditions, which they provided. This includes the provision of suitable maintenance schemes. This can also be used to address the requirements of the MOD.
- 5.84 As part of the planning application submission, a Preliminary Risk Assessment of the proposed site was carried out by Arcadis to review available environmental information, understand any belowground receptors and assess potentially active source-pathway-receptor linkages. This Assessment identified that the geology beneath the application site is likely to be clay and gravels with some silt and sand, and is classified as a Secondary 'A' Aquifer. This is underlain by the bedrock of the Mercia Mudstone, which is classified as a Secondary B Aquifer by the Environment Agency. Leaching of contaminants from soil into groundwater and subsequent migration through the underlying aquifers was therefore identified and considered as a potential water resource receptor through the design process. Subject to additional investigation, Arcadis concluded that these risks can be appropriately managed to reduce impacts related to ground contamination. The preliminary assessment carried out therefore provides advice that any mitigation and management of potential ground pollution is likely to be standard and can be secured by planning condition.
- 5.85 To this end, the Environment Agency responded to the subject application (including the Arcadis assessment) in their role as a statutory consultation in June 2020. They raised no objection to the application, subject to the imposition of a planning condition intended to control the risk of pollution to the water environment (including the aquifer) by ensuring all surface water passes through an oil interceptor prior to being discharged. In addition, a further planning condition has been volunteered by BP requiring details of the installation of the underground petrol storage tanks prior to any development taking place.
- 5.86 The screening direction request considered that the proposal was EIA development, which would allow further assessment and consideration as to whether the risk of Petrol Filling Station development on this site could have a significant impact on water quality. The representations outline that their concern was that the preliminary risk assessment (Dec 17) that notes that the site lies on a highly vulnerable aquifer. The report states that there is a risk of "leaching of contaminants of concern from soil into groundwater and subsequent migration in groundwater through the underlying aquifer towards surface water receptors". The Secretary of State commented that "Cod Beck is a river around 200m to the west of the site which feeds into the reservoir of the same name at Osmotherley. The main potential issue around contamination is in relation to fuel leakage or any other polluting contaminant spills and enters this or other nearby watercourses, water meadows either directly or through ground".
- 5.87 As referenced in the consultations the Environment Agency has no objections to this proposal, and recommended conditions. The written statement from the Secretary of State Screening direction further advised they had also sought advice from the Environment Agency, who reiterated their initial response dated 18 June 2020 in which no objection was raised. Details of the mitigation to be required through condition including in respect of contamination of the water environment have been attached.

5.88 The applicant has provided information which indicates that the proposal includes sustainable drainage strategies and incorporating interceptors in the surface water and drainage regime will also ensure that any fuel leakages from the vehicles are contained and managed to ensure that there are no significant impacts on land or water. In addition the construction specification detail of the fuel storage have been provided and which suggests it will be in line with the Association for Petroleum & Explosives Administration Overall, the Secretary of State is satisfied that the information does not indicate contamination risk that would lead to a likelihood of significant environmental effect and activities will be subject to industry/legal standards which in this case includes licence requirements for the petrol station. Whilst the objections raise concerns regarding the environmental impacts, officers concur with the Secretary of States views. The proposal is therefore considered to satisfy Policies CP21, DP6 and DP43.

### **Environmental Protection**

- 5.89 There are policies which relate to ensuring that communities are healthy and safe from proposed developments within Policies CP21, DP42 and DP44, which relate to activities that could be detrimental to health and noisy activities.
- 5.90 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 and recycling plans that can be controlled via conditions.
- 5.91 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. Conditions have been attached which seek to verification and mitigation depending on the outcomes.
- 5.92 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.
- 5.93 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**

- 5.94 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.
- 5.95 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 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.
- 5.96 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.
- 5.97 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. The conditions require further updated assessments proposed hours of use, details of outside activities and mitigation measures. 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.
- 5.98 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.
- 5.99 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.

- 5.100 The issue of litter is raised within the representations. This is noted, and a condition is attached in respect of each unit to provide a management plan which will include details of the provision of Litter bins and litter management plans for that unit and the HGV parking area. The applicants have been made aware of the potential for litter along nearby public footpaths as well as the immediate area. McDonald's 150m litter pick zone is a national standard and something they are not able to deviate from. They have confirmed that, in addition to the litter picks, McDonald's provide sufficient bins both within the restaurant and in the car park. The applicants advise that McDonald's takes the issue of littering very seriously, but ultimately those members of the public who drop litter are committing an offence and, particularly when you begin to consider distances in excess of 300 to 400 m from the site, such as along the public footpaths then they cannot practically police this. It is notable from the representations response that there is also a pre-existing problem with litter along Sowerby Beck, which cannot be attributed to the proposed development.
- 5.101 The major source of air pollution within Hambleton is from road transport. The A1(M) and A19 run north/south through the district, but they do not impact on the major population centres. There are no air quality action areas within the vicinity of the site, Hambleton District Council has only one active AQMA in Bedale. In addition, the Council's Environmental Health team have not identified air quality as an issue and the Council monitors air quality. Therefore, the impact from air pollution on health is unlikely to be considered sufficient to justify refusal of the application.

### **Crime**

- 5.102 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 other crime issues are noted, these are not considered to justify opposition to the proposal on the grounds of conflict with Policy CP20. A condition can be imposed to identify and implement crime prevention measures.

### **Planning Balance**

- 5.103 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 contribution to economic growth.
- 5.104 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.

- 5.105 The Environmental Objective - The proposal would result in the loss of agricultural land and involve development on a greenfield site and change to landscape character. However, the development is considered to be visually acceptable in this location within the context of the nearby strategic road network and industrial estate. There is less than substantial harm to heritage assets and the impacts are appropriately mitigated by control regimes, structure planting, and the provision of increased green infrastructure on the site.
- 5.106 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 Policies CP1 and CP2.
- 5.107 The proposal would 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. Overall, the proposal is in accordance with the development plan. Whilst the eLP is not at a significantly advanced stage and policies are subject to modification is therefore afforded appropriate 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 E 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  
Dwg No. 7280\_AEW\_8716\_0005 Rev C Proposed Building Elevations McDonalds'  
Dwg No. 15307-29 Rev D Proposed Site Elevations  
Dwg No. 15307\_28 Rev B Proposed Petrol Filling Station Building Elevations

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 unit forming part of the scheme shall commence until a Construction Management Plan for that unit 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 any time 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 development 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 shown on Dwg No. CA193/SK013 and CA4193 SK020 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 structure which affect or form part of the scheme have been submitted and approved in writing by the Local Planning Authority. The following schemes of off-site highway mitigation measures must be completed in accordance with the approved engineering details and programme as indicated below:

- i. Works in accordance with indicative General Arrangement drawing number CA193/SK013 for roundabout arm widening and enhance crossing improvement works off the A168/A170 carried out prior to occupation/opening.
- ii. 3 m widening of the hardstanding along the site frontage to facilitate the shared footway/cycleway as detail in drawing number CA14193/SK020 and CA19/SK013 carried out prior to occupation/opening.
- iii. Construction of 3 uncontrolled crossing facilities, including tactile paving and dropped kerbs will be incorporated along the route of the A170 (York Road), broadly in line with Drawing Number CA4193/SK020.
- iv. 2m footway to be continued into the caravan/traveller site by approximately 50m, in accordance with drawing number CA193/SK013.
- v. Installations of equestrian cautionary signs to be installed

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.

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 each respective unit 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 unit subject of the relevant submitted ventilation scheme is likely to affect neighbouring residential areas then a detailed scheme of mitigation measures relevant to that unit shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development of that unit. 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 any of the individual unit a management operating plan relating to that respective unit (i.e. the coffee shop/drive-thru, or the restaurant/drive thru, the petrol station/retail kiosk with 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 that unit likely to affect residential amenity in the area, and shall also identify the following:

- i. Hours of opening for that unit for visiting members of the public
- ii. A waste management plan setting out how and when waste associated with the unit and lorry park will be stored, collected and timings relating to the collection and emptying of refuse and recyclables.
- iii. Outside maintenance and cleaning activities for each unit
- iv. The provision of Litter bins and litter management plans for that unit and the HGV parking.
- v. A parking management plan for that unit including the details on the allocation and management of the on-site HGV parking spaces where the submission related to the petrol station unit.

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 for that unit shall be submitted to and approved in writing by the Local Planning Authority prior to the 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 each unit forming 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 unit forming part of the development, details of Electric Vehicle Charging Points (ECVPS) associated with that unit 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 of each respective unit (excepting demolition works) herby permitted precise details of the external materials to be used in connection with that unit 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 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 and shall 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 for each unit 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 for that unit and retained for the life of the development.
29. The details and design of the surface water attenuation shall be submitted with a Bird Hazard Management Plan (BHMP) which prevents any open water or basin becoming a habitat for hazardous birds. This 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 for the lifetime of the development.
30. Prior to the construction of each unit, a Bird Hazard Management Plan (BHMP) in relation to flat roof and litter management 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 for the lifetime 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.
29. In the interests of amenity in accordance with LDF Policies CP1 and DP1.
30. In the interests of amenity in accordance with LDF Policies CP1 and DP1.