

13th October 2017

Planning Department
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LONDON
BIRMINGHAM
BRISTOL
EDINBURGH
HUNTINGDON
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Dear Sir/Madam,

Re: PLANNING APPLICATION FOR THE ERECTION OF A NEW PETROL FILLING STATION (PFS) AT LAND OFF WELHAM ROAD, NORTON, MALTON, YO17 9DP.

We are instructed by our client BP Oil (UK) Ltd to submit a planning application for the erection of a new PFS at the above site.

The application was submitted via the Planning Portal (Ref: PP - 06447900) and comprises of the following documents.

- Completed application and certificate from, signed and dated.
- Completed additional information requirements CIL form, signed and dated.
- Existing Location Plan (Ref: 30061 – 25).
- Existing Site Layout (Ref: 30061 – 20).
- Proposed Site Elevations (Ref: 30061 – 23).
- Proposed Building Elevations (Ref: 30061 – 24).
- Proposed Site Layout (Ref: 30061 – 22).
- Design and Access Statement.
- Preliminary Risk Assessment, prepared by Scothern Construction Ltd.
 - Appendix A
 - Appendix C
 - Appendix Ordnance Survey 1975-77
 - Appendix Ordnance Survey 1980-94
 - Appendix Site Sensitivity
 - Appendix Soil Chemistry
- Flood Risk Assessment and SUDs, prepared by Marks Heeley.
 - Appendix A and B
 - Appendix C, D and E
 - Appendix F, G and E
- Proposed SUDs Strategy, prepared by Marks Heeley.
- Proposed Lighting Layout, prepared by The Graham White Consultancy.
- Proposed Lighting Specification, prepared by The Graham White Consultancy.
 - Axia 2 Brochure

RAPLEYS LLP IS REGISTERED AS A
LIMITED LIABILITY PARTNERSHIP
IN ENGLAND AND WALES

REGISTRATION NO: OC308311

REGISTERED OFFICE:
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REGULATED BY RICS

- ClearFlood LED PHILIPS
- Clearway Economical LED performance
- BBP400 – LED EconomyLine 15,100 PHILIPS
- BBP400 – LED GreenLine 9400 PHILIPS
- SecuriPack BCS200
- Proposed Servicing of Development, prepared by BP.
- Balanced Options Appraisal, prepared by BP.
- Site Fuel System Spec and Construction, prepared by BP
- Pack selection Summary, prepared by Green and Cool

An updated ecology report is currently being prepared and will be sent under separate cover post application submission.

A cheque for £2,695.00 in respect of the application fee made payable to your Authority has been sent under separate cover.

In addition to the above enclosures, we would be grateful if you could take into account the contents of this letter in determining the application.

Site and Surroundings

The circa 0.56 ha site currently comprises of two small temporary buildings, a site office and toilet block and storage containers. The majority of the ' ' site is previously developed land having been occupied by Malton Clothing, The site is entirely bound by two-storey residential dwellings and their associated back gardens, with KM Barker Garages and showroom and Lidl supermarket located adjacent to the north at the junction of Welham Road/St Nicholas Street. A single storey bungalow (5a Welham Road) immediately abuts the site on the corner of Welham Road/Spring Field Garth. Along the site's western boundary is tall, dense hedging running along Spring Field Garth. The site's ingress and egress is currently taken from Welham Road, adjacent to KM Barker Garages.

The site is well connected to Norton and Malton being only a short distance to the train station and local services, shops and facilities on the northern side of the River Derwent (circa 7 minute walk). The site is located within Flood Zone 3a, however in an area already benefiting from flood defences according to the Environment Agencies flood map for planning. There are no listed buildings within the vicinity of the site, however Norton Conservation Area abuts the site along its north-eastern/southern boundaries.

Planning History

The Council's online planning history for the site dates back to 1981 when permission was refused for the change of use of a former clothing factory into a private social club (LPA Ref: 81/00123/OLD), which led to a dismissed appeal in 1982. Between 1994 and 1999, temporary permission for the siting of a portable building for a factory shop was granted (LPA Ref: 97/00190/FUL; 97/00190/FUL). In 1999, permission was granted for the erection of two extensions to the rear to form additional office space (LPA Ref: 99/00657/FUL).

In 2013, outline permission was granted for the erection of an Aldi food store (Class A1), day nursery (Class D1) and health/medical facility (Class D1), with associated car parking and vehicle access (LPA Ref: 09/00282/MOUT). Later that same year, outline permission was granted for 3no. retail units (Class A1), and a child day nursery (Class D1) with associated vehicle access, parking and landscaping (LPA Ref: 13/00166/MOUT) and in 2014, a reserved matters application in respect of later permission was approved (LPA Ref: 14/00316/MREM). No evidence to confirm whether this permission has been implemented could be found online.

The principle of development on the site for a range of uses has therefore been established.

The Proposal

The proposed layout/elevations of the application scheme are illustrated on the enclosed drawings.

The proposed works include:

- New PFS forecourt shop (495 GIA Sqm) with;
- A 5.2m canopy and 3no pumps located beneath.
- 40 car parking spaces including 4 disabled and 4 parent and child.
- A new access road off Spring Field Garth (to serve adjacent site 0.14ha)

Other ancillary proposals include the provision of a trolley storage compound, 1no. A/W bay, 2no. below ground 80,000l tanks with offset fills and vents, goods delivery bay, bin storage and ancillary forecourt and boundary treatments.

The sales building will sell groceries (such as chilled-dairy), tinned and packaged products, confectionery, snacks and drinks, non-food items (such as household products, toiletries, newspapers, magazines, BBQ fuels and fuel goods): cigarettes (and other tobacco products) and car care items. The sales building will, therefore, focus upon basic convenience top up shopping products, expected in PFS sales buildings.

Furthermore, the 'starter-gate' arrangement is considered by BP to offer the widest flexibility to the motoring public thus, ensuring customers need not alternate their position within the forecourt to access the fuel required. New pump islands will dispense multi-fuel grades, with every pump offering unleaded and diesel fuels. Two new 80,000 litre underground fuel tanks and new monitoring systems introduced to modernise the storage are proposed. Please refer to the feasibility assessment/fuel specification documents enclosed for further details.

The proposal will allow for the free flow of traffic through the site, by introducing a starter gate formation and formalised car parking across the site. The existing access to the site off Welham Road will be retained and enhanced to serve the new PFS.

To the rear of the new sales building, a new compound and external plant areas are proposed, with access provided off the forecourt. Please see the plant specification sheet and Proposed Servicing Plan enclosed. Alterations to the existing landscaping and boundary treatments

include new retaining walls, fencing, protective bollards and new flat kerbing in front of the new sales building.

Planning Policy and Guidance

National Planning Policy and Guidance

Relevant Central Government Policy is contained within the National Planning Policy Framework (NPPF), adopted in March 2012 and its accompanying Planning Practice Guidance (PPG), adopted/launched online in March 2014.

The NPPF is underpinned by a presumption in favour of sustainable development, which the document identifies as a “golden thread” running through both plan making and decision taking.

In terms of decision taking, paragraph 14 and the PPG advises that LPAs should seek to approve development proposals which accord with the Development Plan without delay, whilst also granting permission for proposals in instances where the Development Plan is absent, silent, or where relevant policies are out of date – unless any adverse impact of doing so would significantly outweigh the benefits.

Local Planning Policy and Guidance

Adopted Policy

The Development Plan for the site comprises saved policies from Ryedale Local Plan (2002) and Local Plan Strategy (2013).

The site is located in an edge-of-centre location outside the Malton and Norton “town centre commercial limits”. It is not subject to an allocation, however falls within an area designated as “Liable to Flooding”. As aforementioned, the Norton Conservation Area also sits along the site’s north eastern/southern boundaries.

Whilst there are no PFS-specific policies, the following policies are relevant:

- Policy SP10 Physical Infrastructure – the level of car parking is to be provided in consultation with the County Council.
- Policy SP12 Heritage – development that results in substantial harm to the significance of a designated historic asset and its setting will be resisted unless exceptional circumstances are demonstrated. Proposals resulting in less substantial harm will only be agreed where the public benefit of the proposal is considered to outweigh the extent of the harm to the asset.
- Policies SP13 Landscape and SP14 Biodiversity - new development should contribute to the local landscape character and maximise opportunities for conserving, restoring and enhancing biodiversity.

- Policy SP16 Design – development proposals will be expected to create high quality durable places that are accessible, protect amenity whilst being well integrated with their surroundings by making efficient use of the land.
- Policy SP17 Managing Air Quality, Land and Water Resources - where feasible, the use of sustainable drainage systems and techniques are required to reduce flood risk and promote groundwater recharge. Previously developed land will be prioritised for development within towns, subject to risk based sequential/exception tests as necessary.
- Policy SP18 Renewable and Low Carbon Energy – all new development will demonstrate that all levels of the energy hierarchy have been considered, taking into account the nature, scale and location of development, with measure to be subject to feasibility and viability.
- Policy SP20 Generic Development Management Issues – sets out a number of generic development control considerations including amenity and safety, character, contamination, and access, parking and servicing.

Emerging

The Council are currently working on their Local Plan Sites Document and Policies Map which will allocate land for new housing, employment and retail. Within these documents, the site is allocated for mixed use (Class A1 and Class D1).

The Planning Committee held a special meeting on 11 October 2017 to consider the allocation of specific site to meet development requirements up to 2027 and recommendations taken to Full Council on 12 October 2017. This was agreed upon and public consultation will commence before the submission for Examination in the early part of 2018.

Planning Considerations

The format of BP's proposals are not unusual in the context of modern PFS facilities both nationwide and within Ryedale. Modern PFS facilities of the type proposed are regularly operated by mainstream operators such as Shell, Texaco, and Esso within the wider locality and across the UK.

Principle of Development

The Council have accepted the suitability of Use Classes A, B and D on the site which is reflected in its mixed use allocation within emerging policy.

The site has been cleared of the former clothing outlet and can be considered previously used land within the built-up area boundary of the town. The redevelopment of the site is approved by both adopted and emerging policies and will allow for the modern needs of motorists to be met within the local area, whilst contributing to local employment and the economy.

Design

Our client is committed to ensuring that the redevelopment provides a friendly, welcoming and visually appealing environment. The development proposed will make an efficient use of brownfield land that is currently vacant, while also integrating it within the local surroundings (Policy SP 16) as shown on the enclosed drawings.

The sales building displays a flat roof and provides a glazed front elevation. The former is considered to provide a soft architectural approach with the latter conveying a light appearance, at the same time, further facilitating views of the activities taking place within the sales building – which together with the building's external appearance – creates visual interest that respects the local character of the area (Policies SP16 and SP20).

The sales building's architectural treatment adopts a modern appearance to ensure consistency with the new canopy.

The new sales building and car parking spaces are a sufficient distance away from neighbouring properties and screened by new timber and rail fencing, and will not have an adverse impact on the amenities of any nearby properties (Policy SP20). The new servicing areas will be screened by a new 1.8 m fence to the rear of the sales building (Policy SP20). For further details, please refer to the Proposed Servicing Plan enclosed.

The retained and enhanced boundary treatments along with good lighting and plant design will provide a high degree of control to restrict any boundary spillage of light and eliminate potential nuisance to neighbouring uses. The dense hedging located just outside the western boundary provides good screening to the neighbouring bungalow, and the proposed layout limits servicing activity to the western corner of the site, behind appropriate screening to ensure no detrimental impact on amenity.

In these terms, it is considered that the development would maintain and improve the quality of the environment, providing a high standard of design, thus there should be no objection in design terms.

Highways

The allocation of 40 no. car parking spaces (4 no. disabled and 4 no. parent and child) and a new pedestrian walkway through the site will allow for safe servicing and circulation (Policy SP 10). The location of the delivery bay and bin storage offers a safe location for goods to be received and site to be maintained away from the main forecourt (Policy SP 20). The sites ingress/egress will be the retained, from Welham Road, however, its access will be improved to accommodate large HGVs (fuel tankers) safely. There are no highways, transport or traffic related reasons to preclude planning permission from being permitted.

Environmental

In terms of flooding the site is entirely within flood zone 3a. However, PFS are considered as *'Less Vulnerable'* (buildings used for shops, financial, professional and other services etc.) under the NPPF. Less vulnerable proposal, located within zone 3a are considered appropriate, subject to the other criteria of the Flood Risk Assessment being met (e.g. not increasing flooding elsewhere, dealing with development run off, protecting ground water sources).

Nevertheless, the design takes into account the flood zone by raising the building above the likely maximum floodwater level and provides a pedestrian route off site to a lower risk area (Policy SP 17). There will be a net benefit to the local area in terms of flood water storage and therefore the proposal is acceptable in flood and SUDs terms. For further details please refer to the flood risk assessment enclosed by Mark Heeley.

In terms of sustainability the building fabric is constructed using insulated cladding panels that achieve an A+ rating in the Green Guide and also provide a high insulation value. These, together with LED lighting throughout and a CO2 based HVAC system enable the building to exceed the requirements of Part L of the Building Regulations on Energy use and carbon emissions. The CO2 based HVAC system provides both air conditioning and heating when appropriate and the CO2 refrigerant has a low Global Warming Potential (=1). BP is committed to providing a sustainable development that is inline with and even above current standards. Furthermore, energy and water usage is monitored by third parties enabling communication with the site staff about potential savings and awareness. External lights are controlled by a daylight sensor. Taps in the customer toilets are sensor operated, managing water usage and the lights in the customer toilets are PIR controlled. The proposal is therefore acceptable from a sustainability perspective

The introduction of a petrol interceptor and underground fuel storage tanks is entirely appropriate to the PFS and is considered to improve the associated environmental qualities. BP considers that correctly design, built, maintained and operated below ground fuel systems provide the most effective solution for the protection of the environment and the safety of people (Policy SP20). For further details, please refer to the feasibility assessment/fuel specification documents enclosed.

The Preliminary Environmental Report, prepared by Structural Soils Limited, identifies potential incidences of contamination relating to the site's previous operations and further testing and site investigation is therefore recommended.

Finally, the proposal will result in visual and soft landscaping enhancements to a currently unsightly vacant site to the benefit of the surrounding environs, including the adjacent Norton Conservation Area. This principally arises from the promotion of modern and architecturally consistent buildings/structures (Policies SP12, SP13, SP14, SP16, SP20).

Summary

The NPPF requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. As is demonstrated above, the site complies with current planning policies.

The site is previously developed land and is not allocated under adopted planning policy. Within emerging planning policy, the site is being identified as a mixed use allocation which is reflective of the site's previous planning history where the principles of Use Classes A, B and D have already been established on the site.

The new proposed PFS will not only enhance PFS provision within the local area to meet the modern needs and expectations of motorists, but shall also contribute to the local economy and employment.

As demonstrated in the supporting documentation submitted as part of this application, the proposed development has taken consideration of the design, highways and environmental policies to deliver significant visual enhancements to a vacant site, whilst continuing to preserve local amenity and highway arrangements. On this basis, we request that planning permission is granted pursuant to this application.

We look forward to receiving confirmation of receipt and registration of the application, however, in the meantime if you require any further information or have any queries in respect of the submitted documentation, please contact me.

Yours faithfully,



M.L.Birch (Oct 13, 2017)

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