

**Item Number:** 8  
**Application No:** 19/00757/FUL  
**Parish:** Malton Town Council  
**Appn. Type:** Full Application  
**Applicant:** Commercial Development Projects Limited (Mr J Marshall)  
**Proposal:** Erection of petrol filling station with forecourt shop sales building, canopy, 3no. fuel pump islands, 2no. HGV fuel pump islands, air bay, goods-in delivery bay, customer parking and associated access, landscaping and boundary treatment works  
**Location:** Land Off Edenhouse Road Old Malton Malton North Yorkshire

**Registration Date:** 5 July 2019  
**8/13 Wk Expiry Date:** 30 August 2019  
**Overall Expiry Date:** 29 November 2019  
**Case Officer:** Gary Housden **Ext:** Ext 43307

#### CONSULTATIONS:

<b>Archaeology Section</b>	No objection
<b>Yorkshire Water Land Use Planning</b>	Recommend conditions
<b>Designing Out Crime Officer (DOCO)</b>	No objection to principle but details to be addressed
<b>Malton Town Council</b>	Recommend approval
<b>Flood Risk</b>	Require additional information to be submitted
<b>Highways England</b>	No objection
<b>Vale Of Pickering Internal Drainage Boards</b>	The Board have no objections to the proposals based on the information provided.
<b>Sustainable Places Team (Environment-Agency Yorkshire Area)</b>	No comments
<b>Environmental Health Officer</b>	No comments
<b>Highways North Yorkshire</b>	Recommend conditions

**Neighbour responses:** Dr Sam Hoste, Mr N Hill,

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#### SITE:

The application site is located immediately to the north of Eden House Rd adjacent to the recently constructed roundabout on the A169. The site abuts the south western side of the roundabout and is bounded by the A169 to the east, recently constructed industrial units to the west and the industrial estate link road and undeveloped parcels of land to the north. In total the site amounts to around 0.73 hectares in area.

The site is visible from the adjacent 'A' road and minor county roads although it is well screened on the southern side by existing hedgerow planting. From the west much of the site is effectively screened by the recently constructed industrial units.

#### PROPOSAL:

Full permission is sought for a petrol filling station with pump islands, canopy and forecourt shop with associated access, landscaping and boundary treatments. The forecourt shop has floor space of 200 square metres which will contain a small café and sell goods aimed at the

travelling motorist. The building will also have around 120 square metres of back room, storage and staff amenity space.

Overall the kiosk building measures approximately 13 metres by 26.5 metres. The kiosk has a flat roof design with a height above ground of approximately 4.7 metres. The front elevation is heavily glazed with powder coated frames. The solid section of wall are a combination of composite panels with Ibstock buff brick plinth areas. The materials have been chosen to compliment those units on the recently constructed industrial units to the west. The front/side wall of the kiosk also includes an ATM machine.

The adjacent canopy area has a clearance of 5.5 metres, the top of the canopy measures approximately 6.3 metres.

Access and egress is proposed by the new connection to Edenhouse Rd to the north of the site so that all traffic leaves or enters the adjacent A169 via the recently constructed roundabout. Provision is made for HGV pumps as well as parking areas for cars and caravan parking. Two electric vehicle charging points are also proposed on site. Two disabled persons parking spaces are shown closest to the kiosk building. The travelling motorist facility is intended to operate on a 24/7 basis.

Detailed layout plans, elevations and landscaping plans are submitted and are attached for ease of reference. Minor revisions to the layout have been made to satisfy comments of the Local Highway authority and these are also attached.

The application is also accompanied by a number of technical documents including a landscape and ecological appraisal, drainage and flood risk assessment, heritage summary, contamination assessment, geo Environmental information , transport assessment and a twin planning and design and access statement. These can all be viewed on the Council's website. For ease of reference the Planning and DAS report is appended to the agenda papers. During the processing of the application further information has been submitted in respect of surface water drainage issue to satisfactory the requirements of the LLFA.

### **RELEVANT PLANNING HISTORY:**

The site is part of a much larger area of land at Eden Camp which has the benefit of outline permission for a variety of uses as permitted in March 2015 under outline planning permission Reference 14/00426/MOUTE.

Ref. 14/00426/MOUTE. Erection of new livestock market (sui generis) comprising circa. 2,850 sq m floorspace: Agricultural Business Centre comprising circa. 6,010 sq m of floorspace for uses within Use Class A1, A2, A3, D1, B1, B2, B8 and agricultural vehicle sales (sui generis); and new Business Park comprising circa. 19,040 sq m of floorspace for uses within Use Class B1, B2, and B8 including premises for The Ginger Pig comprising 1,790 sq m of floorspace (for uses falling within Class B1, B2, B8 and A1) along with (in respect of all elements) all associated development including drainage, provision of services, landscaping, boundary treatments, attenuation ponds and access and associated highway works. (Site area 17.8ha).

In addition reserved matters approval has been granted and works carried out in connection with a large surface water retention pond and associated works (to the south of this current site) Ref 16/00251/MREM and the erection of 6 industrial units to the west of the site Ref 18/00243/MREM.

Detailed permission was granted for the formation of a new roundabout and internal access round under Reference 16/00412/FUL and more recently permission granted for and extension to the site for Unit B1 under Reference 19/00241/MREM

## **PLANNING POLICY:**

### Ryedale Plan Local Plan Strategy Adopted 2013

Local Plan Strategy - Policy SP7 Town Centres and Retailing  
Local Plan Strategy - Policy SP13 Landscapes  
Local Plan Strategy - Policy SP14 Biodiversity  
Local Plan Strategy - Policy SP15 Green Infrastructure Networks  
Local Plan Strategy - Policy SP16 Design  
Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development  
Local Plan Strategy - Policy SP20 Generic Development Management Issues

### Local Plan Sites Document Adopted 2019

#### Policy SD 12

This policy identifies 17.8 hectares of employment land at Edenhouse Rd for B1, B2 and B8 and also in principle supports the release of additional employment land on land for B1, B2 and B8 uses to the north of the A64 and east of the A169. The Broad Location is shown on the adopted Policies Map

## **APPRAISAL:**

The following matters are considered to be relevant to this application.

- Principle of development
- Design
- Landscaping
- Access issues/highway safety issues
- Drainage
- Archaeology/ Heritage matters
- Secured by design
- Ecology
- Other matters

### Principle of development

A petrol filling station and associated kiosk does not fall within any specific use class. It is a 'sui generis' use and not identified as falling within the Class B uses identified by the Use Classes Order. Nevertheless the proposal occupies a site which in part has been identified for employment uses both through the development plan and the grant of an earlier planning permission.

Whilst the proposal has been put forward to address a perceived lack of roadside facilities on the A64 it is also the case that the development will generate 20 jobs on completion and is itself

therefore a type development that generates employment opportunities. In the context of the overall site with outline permission and the additional land identified in the Sites Document as a Broad Location for employment land there is considered to be no underlying conflict with the policies set out in the development plan.

In terms of retail planning policy the size of the retail area of the kiosk fall well under the threshold for any impact assessment to be carried out in the development plan. Application of the sequential test is also not appropriate in the context of this development because it is required to be located on or close to the Strategic Road Network in order to meet the needs of travelling motorists.

In principle therefore the development is considered to be acceptable in subject to compliance with other policies contained in the development plan which are discussed in more detail below

### Design

The kiosk building has a flat roof design which is considered to be appropriate to its setting. The kiosk is situated to the western side of the plot where it abuts the adjacent industrial units. The location of the building is considered to acceptable in this location where it is least intrusive locally in the landscape. The materials proposed are considered to be acceptable as they are similar to those used on the adjacent units and this will help to assimilate the development on to the site.

The canopy is also relatively modest in terms of its overall scale and design and is considered to be acceptable in this context. Plans show the use of differing surface materials to delineate parking areas, delivery spaces and pedestrian areas, an approach which is considered to be broadly acceptable subject to final agreement of surface finishes which can be the subject of a planning condition.

### Landscaping

A detailed landscaping plan has been submitted with the application, along with a Landscape and Ecological appraisal. The landscape plan shows areas of woodland and shrub planting around the site. These areas of planting will help to soften the impact of the new development on the surrounding rural area. The appraisal concludes by assessing that the magnitude of change is relatively modest – ‘minor adverse’ and that the proposals for landscaping the site will help to integrate the development into its surrounds. The application is therefore are considered to be acceptable from an Landscape impact perspective, meeting the requirements of Policy SP13 Landscapes of the adopted Local Plan Strategy.

### Access highway safety matters

The site is located close to the A64 trunk road and immediately next to the A169. The proposal has been submitted to address a perceived deficiency on the principle route network for facilities to serve the travelling motorist.

Consultation has therefore taken place with both Highways England and NYCC Highways. Highways England have raised no objection to the proposed development but advise that signs in the Strategic Road Network remain to be agreed with HE before any signs can be sited adjacent to the A64.

In terms of impacts on the county road network amended plans were sought by NYCC Highways to the detailed access arrangements to the site. Subject to the conditions list by

NYCC Highways relating to the detail of the site layout, parking arrangements, site lighting and a Construction Management Plan no objections are raised on highway safety grounds.

### Drainage

Comments from Yorkshire Water, the local IDB and the LLFA have been received.

Yorkshire Water raise no objection subject to a condition specifying separate systems for foul and surface water drainage and that any surface water runoff from the forecourt area is passed through an interceptor.

Vale of Pickering IDB have no objection to the application

The Lead Local Flood Authority have however requested more information in relation to micro drainage calculations for exceedance routes, maintenance arrangements for SUDs and confirmation that the impermeable areas are within the specifications of the original outline planning permission. As mentioned earlier additional information has been submitted and the final comments of the LLFA are awaited.

### Archaeology

The site has been the subject of previous archaeological investigation which identifies no constraints. NYCC Heritage Services therefore raise no objection.

### Secured by Design

The Designing Out Crime Officer has commented, stating that the overall layout and design of the scheme is considered to be acceptable. However detailed comments are made in respect of matters which could improve site safety and security, including a night pay window, CCTV and intruder alarm systems and ATM security measures. The agent has responded by confirming that the elevations show a night pay window as part of the scheme design and that if necessary these details can be the subject of a planning condition if planning permission is granted.

### Ecology

The site was the subject of detailed survey and assessment at the Time of the outline application submission. An additional walkover was done prior to the submission of the current application. The site is currently assessed as being of low conservation value and the proposal for additional native and shrub tree planting will therefore enhance biodiversity across the site. The proposal is considered therefore to satisfy Policy SP14 of the adopted Local Plan Strategy.

### Other Matters

Malton Town Council has been consulted on the current application and have responded recommending that the application be Approved.

2No. third party responses have been received which can be views in full in the Council's website

In summary the following comments have been made,

The first is from a representative of Eden Camp Museum, neither objecting to or supporting the application.

Comments however include concern over the outlet not being used as a fast or convenient food outlet, worries about litter, possible impact on their own sales and comments about drainage, possible pollution.

The second email is from the Occupier of Howe Farm. Howe farm is located approximately 1.5 Kilometres metres further to the north of the site, the following points have been raised;

A petroleum station is not a B1, B2 or B8 use.

Out of town location

Hours of use

Adverse Impact on other businesses

Site is a part of the Food Enterprise Zone.

Certain aspects of the above comments relating to potential ‘competition’ issues are not material planning considerations. It is noted however that the convenience goods to be sold are aimed at the travelling motorist who will mainly stop to purchase fuel but also might wish to acquire a drink or relatively small item of food. In essence the forecourt shop is not considered to be a destination facility, it is principally to serve passing traffic along the A64.

Possible pollution issues have been addressed by the technical consultees with interceptors recommended by condition to eliminate the possibility of pollution in the locality.

Concerns relating to the principle of the development have been addressed in the Officer report above and also justified in the applicants planning statement (see paragraphs 6.10 to 6.13) . The need for the PFS is considered to have been justified given the lack of other similar facilities on the Strategic Road Network. Similarly it is commonplace for such facilities to operate on a twenty four hour basis and often in an out of town location because they are usually ‘on route’.

The outline permission and the adopted development plan identifies this location for a range of employment uses. The Food Enterprise Zone local development order is simply a mechanism that enables qualifying business to locate to the site without the need for applying for detailed planning permission, subject to meeting specified requirements. The FEZ is not intended to operate in a way that would prevent other bona vide employment uses locating to the area. It is noted that the application would provide twenty jobs on completion together with in excess of thirty jobs during the construction phase

In conclusion the proposal is considered to accord with the policies contained in the adopted development plan when read as a whole. Subject to conditions and any further requirements of the Lead Local Flood Authority approval is recommended.

**RECOMMENDATION: Approval subject to any further requirements to the LLFA and subject to the following conditions.**

1 The development hereby permitted shall be begun on or before .

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

- 2 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Location Plan M2820-PFC-03 Rev C, June 2019  
Site Layout Plan M2820-PSF-01 Rev C, June 2019  
Canopy Elevations M2820-PFS-04, June 2019  
Floorplan, Roofplan and Elevations M2820-PFS-02  
External Lighting Calculations EDEN RD-EX-01 Rev P  
Landscape Proposals LL01 Rev A, June 2019  
Proposed Access Arrangements 19061-101, Sept 2019  
Swept Path Analysis 19061-TR002, Sept 2019

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

- 3 The site shall be development with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

- 4 Surface water run-off from the forecourt of petrol stations, areas used for the delivery of fuel, areas used for and immediately adjacent to vehicle washing facilities and/or other similar areas where detergent is likely to be used shall not discharge to any public surface water sewer network. Surface water from such areas must pass through an oil, petrol and grit interceptor/separator of adequate design that has been submitted to and approved by the Local Planning Authority, before discharge to the public foul or combined sewer network.

Reason: To prevent pollution of the aquatic environment and protect the public sewer network.

- 5 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements

a. The existing access shall be improved by widening, installation of a central pedestrian refuge island, alterations to existing layout (including highway drainage layout) and that part of the access extending 8.5 metres (or thereabouts) from the carriageway edge shall be laid out in accordance with the approved drawings 'Proposed Access Arrangements' dated Sept 2019 / Site Layout Plan drawing No. M2820-PFS-01 Rev. C and constructed / re-constructed to a standard suitable for adoption as detailed and specified on the existing approved JPG Section 38 'Access Road Junction 2 General Arrangement' drawing No.4656-2-R1 Rev. B and in agreement with the existing approved JPG Section 38 'S38 Coloured Plan' drawing No. 4565-R1102 Rev. B.

Thereafter, the internal circulation / access roads and parking / standing areas within the site shall be constructed to a specification in accordance with details that shall be prior submitted to and approved by the local planning authority in consultation with the local highway authority which shall include details of oil/petrol interceptor chambers and fuel spillage storage tanks as considered appropriate.

i. Provision of tactile paving in accordance with the current Government guidance. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

HI-07 INFORMATIVE

You are advised that a separate licence will be required from the Highway Authority in order

to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

Reason: In accordance with Policy SP20 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

- 6 Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on Drawing No. M2820-PFS-01 Rev. C for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

Reason: In accordance with Policy SP20 and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

- 7 No external lighting equipment shall be used other than in accordance with details previously approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In accordance with Policy SP20 and in the interests of highway safety and visual amenity.

- 8 No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase:

- a. the parking of vehicles of site operatives and visitors
- b. loading and unloading of plant and materials
- c. storage of plant and materials used in constructing the development
- d. erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
- e. wheel washing facilities
- f. measures to control the emission of dust and dirt during construction
- g. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: In accordance with Policy SP20 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

- 9 Details of the CCTV/intruder alarm system and ATM security measures shall be submitted and approved in writing before development hereby approved is first brought into use.

Reason: To ensure that the principles of 'Crime Prevention Theory and Environmental Design' are applied to the development and to satisfy Policies SP18 and SP20 of the Adopted Local Plan Strategy.

- 10 Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development hereby approved and to comply with the requirements of Policy SP20 of the Ryedale Plan, the Local Plan Strategy

- 11 There shall be no illumination of the outer fascia/facade of the canopy hereby approved unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interest of the visual amenity of the locality and to comply with the requirements of Policy SP20 of the Ryedale Plan, the Local Plan Strategy.

- 12 Details of all external facing and surfacing materials shall be submitted to and approved in writing with the Local Planning Authority before any above-ground works commence on site.

Reason: To ensure a satisfactory external appearance and to comply with the requirements of Policy SP20 of the Ryedale Plan, Local Plan Strategy.

#### **INFORMATIVE(S)**

- 1 The grant of this planning permission do not imply or convey any consent for signs that would need permission under The Control of Advertisement Regulations.

- 2 Your attention is drawn to the requirements of DfT Circular 02/2013 Table B1 in relation to the signing of facilities from the Strategic Road Network.

- 3 The Drainage and Flood Risk Statement prepared by JPG (Report date June 2019) is acceptable. In summary, the report states the foul water will discharge to existing foul sewer and surface water to existing surface water sewers.

Foul water from the kitchens and/or food preparation areas of any restaurant and/or canteens etc. must pass through a fat and greased trap of adequate design before and discharge to the public sewer network.

- 4 Surface water run-off from areas of vehicular parking and/or hardstanding etc. must pass through an oil, petrol and grit interceptor/separator of adequate design before any discharge to the public sewer network. Roof water should not pass through the traditional 'stage' of full retention type of interceptor/separator. It is imperative, however that surface water run-off from the forecourt of petrol stations, areas used for the delivery of fuel, areas used for and immediately adjacent to vehicle washing facilities and/or other similar areas where detergent is likely to be used is not discharged to any public surface water network. Surface water from such areas must pass through an oil, petrol and grit interceptor/separator of adequate design before discharge to the public foul or combined sewer network. It is good drainage practice for any interceptor/separator to be located upstream of any on-site balancing, storage or other means of flow attenuation that may be required.