

FREETHS

TOWN PLANNING & DESIGN AND ACCESS STATEMENT

**FULL PLANNING APPLICATION FOR
PETROL FILLING STATION (PFS), COMPRISING PUMP ISLANDS,
CANOPY AND FORECOURT SHOP (CLASS A1), ALONG WITH
ASSOCIATED ACCESS, LANDSCAPING AND BOUNDARY
TREATMENTS**

**OLD MALTON, LAND TO THE SOUTH OF EDENHOUSE ROAD AND
WEST OF A169**

**PREPARED ON BEHALF OF
COMMERCIAL DEVELOPMENT PROJECTS LIMITED**

JUNE 2019

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PLANNING APPLICATION DOCUMENTS

DOCUMENT (CONSULTANT)	DATE / REFERENCE
Planning Application Forms and Ownership Certificate (Freeths)	27 June 2019
Town Planning, Design and Access Statement (Freeths)	27 June 2019
Drainage and Flood Risk Statement (JPG Limited)	June 2019 4656-JPG-XX-XX-RP-D-0620-S2-P01
Heritage Summary (Prospect Archaeology)	F:\CDP01
Landscape and Ecological Appraisal (Smeeden Foreman)	June 2019
Geoenvironmental Desk Study (JPG Limited)	April 2018 / MT/DS/4656v4
Geoenvironmental Ground Investigation (JPG Limited)	February 2018 / RM/GI/4656.v2
Technical Note - Contamination Assessment (JPG Limited)	June 2019 / 4656-JPG-XX-XX-TN-G-000-S2-P01
Transport Assessment (Connect Consultants Limited)	June 2019

PLANNING APPLICATION DRAWINGS

DRAWING	REFERENCE
Site Location Plan	2820-PFS-03 A
Proposed Layout Plan	2820-PFS-01 A
PFS Shop Floor Plan, Roof Plan and Elevations	2820-PFS-02
External Lighting Plan	EDEN RD-EX-01 P
Landscape Proposals	SF 2945 LL01 A

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1. INTRODUCTION

- 1.1. This Town Planning Statement is prepared on behalf of Commercial Development Projects Limited (CDP) and is submitted in support of a full application for a Petrol Filling Station (PFS), comprising pump islands, canopy and forecourt shop (Class A1), along with associated access, landscaping and boundary treatments on land to the north of Edenhouse Road and the west of A169, Old Malton.
- 1.2. A PFS serving the A64 / Malton is a much needed facility given distance between existing facilities. The development will create in the region of 30 to 40 construction jobs and 20 jobs when operational. The project represents a £1.5M construction cost and will have a £2.5M investment value.
- 1.3. The following commentary sets out the context of the proposal, with an explanation of the site and its surroundings, the relevant planning history of the site and the surrounding area and the components of the proposal. It also assesses the scheme at a national and local policy level, considers the key material planning considerations and provides justification and support for the proposal, concluding that planning permission should be granted.
- 1.4. The application is supported by the documents listed below, which should be read in conjunction with this Town Planning, Design and Access Statement:
 - Application Form, duly signed and completed;
 - Site Location Plan (reference 2820-PFS-03 A);
 - Proposed Layout Plan (reference 2820-PFS-01 A);
 - PFS Shop Floor Plan, Roof Plan and Elevations (reference 2820-PFS-02);
 - External Lighting Plan (reference EDEN RD-EX-01 P);
 - Landscape Proposals (reference SF 2945 LL01 A);
 - Landscape and Ecological Appraisal, prepared by Smeeden Foreman;
 - Drainage and Flood Risk Statement, prepared by JPG Limited;
 - Heritage Summary, prepared by Prospect Archaeology;
 - Geoenvironmental Desk Study, prepared by JPG Limited;
 - Geoenvironmental Ground Investigation, prepared by JPG Limited;
 - Contamination Assessment - Technical Note, prepared by JPG Limited; and
 - Transport Assessment, prepared by Connect Consultants Limited.

2. SITE AND SURROUNDINGS

- 2.1. The application site measures approximately 0.73ha and currently comprises of undeveloped land. It is bounded by Edenhouse Road service road to the north and the A169 to the east.
- 2.2. The application site forms part of a much wider extant planning permission. On 24 March 2015, outline planning consent was granted for a 2,850sq.m livestock market (sui generis), a 6,010sq.m agricultural business centre (Uses A1 / A2 / A3 / D1 / B1 / B2 / B8), an agricultural vehicle sales (sui generis); and a 19,040sq.m business park (Uses B1 / B2 / B8) and associated works (reference 14/00426/MOUTE).
- 2.3. The application was accompanied by an indicative Site Layout Plan (reference 004c), upon which the site was proposed as an Office Campus (Use B1).
- 2.4. The application site also has the benefit of falling within the Malton Food Enterprise Zone (FEZ), which is a Local Development Order (LDO) adopted by Ryedale on 21 February 2017. The LDO identifies certain forms of development that can take place without needing planning permission. Associated with this is a Design Guide.
- 2.5. On 25 May 2018, a reserved matters application was approved for the erection of two industrial units (subdivided into six: Units A1, A2, A3, A4, B1 and B2) on the land adjacent to the application site (18/00243/MREM) – to its immediate west. Then on 18 April 2019, a reserved matters application was approved for the extension of the service yard of Unit B1 (19/00241/MREM). Construction of this development is underway.
- 2.6. The application site is identified in the Local Plan Sites Document as forming part of a much wider '*Committed or Under Construction Employment*' site, and is also adjacent to a '*Broad Location for Future Employment*', on the opposite side of the A169 to the east, identified as a further preferred location for employment uses, should a need arise in the Plan period.
- 2.7. The wider vicinity comprises of open countryside, with sporadic agricultural and industrial buildings, the closest of which is Eden Camp museum and Russell's farm equipment sales and repairs business to the south-west.

- 2.8. The site is situated approximately 300m to the north of the A64 / A169 / B1257 (Town Street) roundabout junction. The A64 connects the site with Scarborough to the north-east and with York to the south-west.
- 2.9. The settlement of Old Malton is located on the opposite side of the A64 / A169 / B1257 (Town Street) roundabout junction, beyond which the settlements of Malton and Norton are situated.
- 2.10. The site has good footway links into Old Malton, the northern settlement edge of which is within a 10 minute walk (0.6km). Bus services operate along the A169, with bus stops directly opposite the site offering services to, amongst other destinations, Malton, Leeds, Pickering, Tadcaster, Thornton-le-Dale and Whitby.

3. RELEVANT PLANNING HISTORY

3.1. A review of the Council's online statutory planning register has been undertaken and the following applications are of relevance to the application site and the surrounding area:

Reference	Proposal	Decision (Date)
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)	Approved (24/03/15)
16/00251/MREM	Construction of retention pond with associated landscaping and construction of pumping station together with erection of perimeter fencing and formation of vehicular access: Phase 1 of reserved matters (outline approval 14/00426/MOUTE dated 24.03.2015 refers)	Approved (24/05/16)
16/00273/73AM	Variation of Conditions 10 and 19 of approval 14/00426/MOUTE dated 24.03.2015 to allow a phased approach to development of site, with archaeological details (WSI) and landscaping details submitted pursuant to that phase, and variation of Condition 12 to allow commencement of works to retention pond and pumping station without	Pending (registered 29/04/14)

	submission of details regarding safe non-car means of access	
16/00412/FUL	Formation of roundabout access and internal access road to serve development at Edenhouse Road (revised details to approval 14/00426/MOUTE dated 24.03.2015)	Approved (08/07/16)
16/00487/73AM	Removal of Conditions 14 and 23 (detailed highway works) and Variation of Condition 40 to remove drawing no. 13051-011 Revision A (Connect) of approval 14/00426/MOUTE dated 24.03.2015	Pending (registered 24/03/16)
18/00243/MREM	Erection of Unit A - Industrial unit subdivided into 4no.units and Unit B - Industrial unit subdivided into 2no. units: Phase 1 of reserved matters (outline approval 14/00426/MOUTE dated 24.03.2015 refers as amended)	Approved (25/05/18)
19/00241/MREM	Use of land adjacent to Unit B1 as an extension to the service yard to accommodate existing and future staff parking and to enable the storage of raw materials (metal rolls) in containers and finished products on racks (outline approval 14/00426/MOUTE dated 24.03.2015 as amended refers)	Approved (18/04/19)

- 3.2. On 24 March 2015, outline planning consent was granted for a 2,850sq.m livestock market (sui generis), a 6,010sq.m agricultural business centre (Uses A1 / A2 / A3 / D1 / B1 / B2 / B8), an agricultural vehicle sales (sui generis); and a 19,040sq.m business park (Uses B1 / B2 / B8) and associated works (reference 14/00426/MOUTE).
- 3.3. The 14/00426/MOUTE application was accompanied by an indicative Site Layout Plan (reference 004c). On this plan, it was proposed that an Office Campus (Use B1) would come forward on the application site.
- 3.4. On 24 May 2016 details of a retention pond were approved (16/00251/MREM) and on 8 July 2016 details of an internal access road and roundabout were approved (16/00412/FUL). Both applications facilitate the delivery of the wider 14/00426/MOUTE consent.

- 3.5. On 25 May 2018, a reserved matters application was approved for the erection of two industrial units (subdivided into six: Units A1, A2, A3, A4, B1 and B2) on the land adjacent to the application site (18/00243/MREM) – to its immediate west. Then on 18 April 2019, a reserved matters application was approved for the extension of the service yard of Unit B1 (19/00241/MREM).
- 3.6. The siting of these industrial units extends further east than those indicatively illustrated on the Site Layout Plan (reference 004c), which accompanied the 14/00426/MOUTE application. The 18/00243/MREM and 19/00241/MREM permissions encroach onto part of the land which was originally proposed for the Office Campus. The construction of these units is underway.

4. THE PROPOSED DEVELOPMENT – DESIGN AND ACCESS STATEMENT

- 4.1. Full planning permission is sought for a Petrol Filling Station (PFS), comprising pump islands, canopy and forecourt shop (Class A1), along with associated access, landscaping and boundary treatments.
- 4.2. The PFS will comprise a 320sq.m (gross internal area, GIA) forecourt shop; 3no. vehicle fuel pumps; 2no. HGV fuel pumps; 31no. vehicle parking bays, of which 2no. will be disabled and 2no. will be electric vehicle charging bays; 3no. caravan parking bays; and a picnic area.
- 4.3. The forecourt shop will comprise of 200sq.m of retail floorspace and 120sq.m of backroom / storage / staff amenity floorspace. It will sell convenience goods, targeted at motorist, as well as hot and cold food and beverages, including a small café.
- 4.4. Access and egress is proposed via Edenhouse Road to the north. Vehicular movements around the site will operate in a clockwise direction. Vehicular access into the fuel forecourt will be from the south-east, via an 'access only' point. Egress from the fuel forecourt will be to the south-west, via an 'egress only' point.
- 4.5. 12no. vehicle parking bays will be provided along the northern boundary of the site. 19no. vehicle parking bays, including 2no. disabled bays and 2no. electric vehicle parking bays, will be provided within the forecourt, along its northern boundary and in front of the shop.
- 4.6. HGVs will traverse the site in a clockwise direction, with 2no. HGV fuel pumps towards the southern edge of the forecourt. A dedicated deliveries area will be located to the south of the shop.
- 4.7. Egress for all vehicles will be along the western edge of the site's boundary, behind the shop.
- 4.8. The walls of the forecourt shop will be constructed from Kingspan composite panels, Ibstock Sandalwood buff facing brickwork and a double glazed curtain wall with polyester powder coated aluminium curtain walling frames and the roof will be constructed from polyester powder coated metal flashings. It will measure approximately 3.6m to the underside of its haunch and 4.7m in total height. The

adjoining canopy link will measure approximately 5.5m to its underside, with a total height of approximately 6.3m.

- 4.9. The submission is accompanied by a Landscape Proposals plan (reference SF 2945 LL01 A), which proposes to provide a green edge / buffer along the site's boundaries.

5. PLANNING POLICY

Local Planning Policy

- 5.1. The Local Plan for Ryedale comprises the Local Plan Strategy (adopted 5 September 2013) and the Local Plan Sites Document (adopted 27 June 2019).
- 5.2. The application site is identified in the Local Plan Sites Document as forming part of a much wider '*Committed or Under Construction Employment*' site.
- 5.3. Set out below is a summary of the Development Plan policies which are deemed to be of relevance to the site and the proposal:

Ryedale Plan - Local Plan Strategy (adopted 5 September 2013)

- 5.4. **Policy SP7** (Town Centres and Retailing) advises that the Town Centres will be the focus for a diverse range of uses in the District, which will principally include retail activity and will also provide a focus for commercial and leisure uses, entertainment facilities, cultural activity and tourism. New retail development will be accommodated in line with the Town Centre Hierarchy.
- 5.5. A local floorspace impact threshold will be applied for the assessment of planning applications for town centre uses outside of the defined Town Centre Commercial Limits and not in accordance with this Plan. This will be applied as follows:
 - 500 square metres gross for comparison only schemes;
 - 750 square metres gross for convenience only schemes; and,
 - Where a proposal involves a combination of convenience and comparison floorspace, the threshold is set at 1,000 square metres of the total retail gross floorspace of the scheme.
- 5.6. **Policy SP13** (Landscapes) advises that the quality, character and value of Ryedale's diverse landscapes will be protected and enhanced by encouraging new development and land management practises which reinforce the distinctive elements of landscape character within the District's broad landscape character areas. Development proposals should contribute to the protection and enhancement of distinctive elements of landscape character that are the result of historical and cultural influences, natural features and aesthetic qualities

- 5.7. **Policy SP14** (Biodiversity) states biodiversity in Ryedale will be conserved, restored and enhanced. Proposals which would have an adverse effect on any site or species protected under international or national legislation will be considered in the context of the statutory protection which is afforded to them. Loss or harm to other nature conservation features should be avoided or mitigated.
- 5.8. **Policy SP15** (Green Infrastructure Networks) advises a network of green open spaces and natural features will be created and managed across Ryedale to support biodiversity and environmental systems to enhance the attractiveness of places and to support healthy lifestyles by providing opportunities for activity and relaxation. New development will be managed in accordance with wider policies in this Plan, to assist the protection and improvement of Green Infrastructure assets and the connectivity between them. New development which would result in irreparable fragmentation of connections between green spaces will be resisted.
- 5.9. **Policy SP16** (Design) states development proposals will be expected to create high quality durable places that are accessible, well integrated with their surroundings. To reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings.
- 5.10. The design of new development will also be expected to:
- Incorporate appropriate hard and soft landscaping features;
 - Contribute to a safe and well connected public realm by respecting and incorporating routes, buildings and views;
 - Reduce crime and the fear of crime through the careful design of buildings and spaces;
 - Provide active and interesting public frontages; and
 - Make efficient use of land and to be built at a density which is appropriate to its surrounding context.
- 5.11. **Policy SP19** (Presumption in Favour of Sustainable Development) advises, the Council will take a positive approach that reflects the presumption in favour of sustainable development. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

- 5.12. Planning applications that accord with the policies in this Local Plan will be approved without delay, unless material considerations indicate otherwise.
- 5.13. Where there are no policies relevant to the application, the Council will grant permission unless material considerations indicate otherwise – taking into account whether:
- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
 - Specific policies in that Framework indicate that development should be restricted.
- 5.14. **Policy SP20** (Generic Development Management Issues) states new development will respect the character and context of the immediate locality and the wider landscape / townscape character in terms of physical features and the type and variety of existing uses. Proposed uses and activity will be compatible with the existing ambience of the immediate locality and the surrounding area and with neighbouring land uses and would not prejudice the continued operation of existing neighbouring land uses.
- 5.15. New development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses.
- 5.16. New development proposals which will result in an unacceptable risk to human life, health and safety or unacceptable risk to property will be resisted. Developers will be expected to address the risks / potential risks posed by contamination and / or unstable land in accordance with recognised national and international standards and guidance.

Ryedale Plan - Local Plan Sites Document (adopted 27 June 2019).

- 5.17. The Local Plan Sites Document makes site specific policies and identifies areas of land for specific uses.

- 5.18. The application site is identified in the Local Plan Sites Document as forming part of a '*Committed or Under Construction Employment*' site, and is adjacent to a '*Broad Location for Future Employment*', which lies on the opposite side of the A169.
- 5.19. **Policy SD12** (New Employment Land Provision) identifies that the site forms part of the Agri-Business Park and Business Technology Park, Eden House Road, Malton, where 17.8ha of land is allocated for B1, B2 and B8 uses.
- 5.20. The policy continues, sites which currently have planning permission for employment uses will continue to be supported in principle in the event that their current permission expires.
- 5.21. The supporting text advises that the '*release of just over 17ha of land at Eden House Road off the A64 / A169 junction at Old Malton accounts for a considerable proportion of land currently committed for employment uses as well as a significant proportion of the land to be accommodated at the Principal Town. The site is considered to be a major employment / business opportunity for the District which occupies a good location in relation to the Principal Town and strategic road network. The site has planning permission for the development of an agri-business park for B1, B2 and B8 uses; an Agricultural Business Centre and new livestock market. In 2015, the site was established as the Malton Food Enterprise Zone (FEZ), as part of the Department of Environment, Food and Rural Affairs, 'Pathfinder Food Enterprise Zone' initiative. To support the development of the FEZ; to attract new investment and employment opportunities locally and; to assist in the delivery of the objectives of the York, North Yorkshire and East Riding Local Enterprise Partnership (LEP), a Local Development Order covers the site in order to help facilitate a focus on the agri-food sector in this location.*'
- 5.22. The text continues, '*The Local Plan Strategy directs the majority of employment land requirements to Malton and Norton and land releases to date have supported this strategic approach. However, additional employment land allocations at Malton and Norton have not been made in this document. As an alternative, land in the vicinity of the Malton Agri-Business Park at the A64 / A169 junction is promoted as a broad location for further employment land releases to meet identified requirements if they are needed within the plan period. This is in part driven by the limited availability of alternative, suitable and deliverable sites as well as uncertainty over the rate at which the current proposals for the Agri- Business Park / FEZ will be built out. It is considered that this reinforces the commitment to this area being a strategic*

employment opportunity and provides flexibility for a range of types of employment to be provided and co-ordinated, particularly if the Food Enterprise Zone and Local Development Order are successful in attracting agri-food business to the site which has already been released.'

Malton Food Enterprise Zone Local Development Order (dated December 2016)

- 5.23. The site falls within the Malton Food Enterprise Zone (FEZ), which is a Local Development Order (LDO) that identifies certain forms of development that can take place without needing planning permission. Associated with this is a Design Guide. The LDO and Design Guide were adopted by Ryedale on 21 February 2017.
- 5.24. The purpose of the LDO is to simplify the planning process within the FEZ, enabling business that support its objectives to develop facilities without the need for planning permission, subject to conditions. Proposals that do not conform with the LDO will require planning permission.
- 5.25. The LDO states that development is only permitted within the following use class, subject to conditions: A1; A2; A3; B1; B2; B8; D1; Livestock Market (sui generis) and agricultural vehicles sales (sui generis).
- 5.26. Given the application proposal for a Petrol Filling Station falls outside the scope of uses listed above, full planning permission is required, in the usual way. It should be noted, however, that the proposal only occupies a very small proportion of the wider LDO site, so does not prejudice its objectives.

Malton Food Enterprise Zone Design Code (dated 9 December 2016)

- 5.27. Though the proposal does not fall within the use classes listed in the LDO, the Design Code acts as a useful guidance and sets out guidance relating to: plots and building design standards; roads, parking and access; landscaping; drainage; construction methods; and archaeology.

Material Considerations

National Planning Policy Framework (2019)

- 5.28. The National Planning Policy Framework (NPPF) was updated and re-issued in July 2018, then again in February 2019. The document sets out the Government's planning policies for England and how these should be applied.
- 5.29. Paragraph 2 recognises that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.
- 5.30. Section 2 provides guidance on '*Achieving sustainable development*'. Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development which at a very high level can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 5.31. Paragraph 10 recognises that at the heart of the Framework is a presumption in favour of sustainable development and Paragraph 11 recognises that for decision-taking this means approving development proposals that accord with an up-to-date development plan without delay. Part (d) identifies that where there are no relevant development plan policies, or the policies which are most important for the determination of the application are out of date then planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusal of the development proposal, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies taken in the Framework as a whole.
- 5.32. Paragraph 12 identifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations indicate that the plan should not be followed.

- 5.33. Section 4 provides guidance on 'Decision-making'. Paragraph 48 identifies that local planning authorities may give weight to relevant policies in emerging plans according to:
- (a) The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given)
 - (b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - (c) The degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 5.34. Section 6 sets out details with regards to 'building a strong, competitive economy'. Paragraph 80 identifies that planning policies and decision should help create the conditions in which businesses can invest, expand and adapt. Significant weight should therefore be place on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 5.35. In respect of supporting a prosperous rural economy paragraph 83 states that planning policies and decision should enable:
- The sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well-designed new buildings.
- 5.36. Paragraph 84 states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable. The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where possible.
- 5.37. Section 7 of the NPPF provides guidance on '*Ensuring the vitality of town centres*'. Paragraph 86 advises that, 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. The National Planning practice

Guidance provides clarification on the application of the sequential test noting that it should be proportionate and appropriate for the given proposal (Paragraph: 010 Reference ID: 2b-010-20140306).

- 5.38. Paragraph 89 continues that, when assessing applications for retail and leisure development outside town centres, 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 2,500m² of gross floorspace). This should include assessment of the impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal and the impact on town centre vitality and viability.
- 5.39. Section 9 provides commentary on 'promoting sustainable transport'. Paragraph 108 states that in assessing specific application for development it should be ensured that:
- Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, give the type of development and its location;
 - Safe and suitable access to the site can be achieved for all users; and
 - Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree
- 5.40. Paragraph 109 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.41. The Natural Environment section of the NPPF, set out in section 15, provides policy context for the countryside and green infrastructure. The key objectives include to protect and enhance valued landscapes and minimising impacts on and providing net gain in biodiversity.
- 5.42. Paragraph 170 states that planning policies and decisions should protect and enhance valued landscapes in a manner commensurate with their statutory status or identified quality in the development plan. It also identifies that planning policies and decisions should recognise the intrinsic character and beauty of the countryside.

6. PLANNING CONSIDERATIONS

- 6.1. This section of the Planning Statement examines the planning policy background, which is of potential relevance to the site and the proposed development when determining the application.
- 6.2. Section 38 of the Planning and Compulsory Purchase Act 2004 requires that such decisions have to be taken in accordance with the Development Plan unless other material considerations indicate otherwise.
- 6.3. In the context of the application proposal, the Development Plan comprises the Local Plan Strategy (adopted September 2013), the retained 'saved' policies of the Local Plan (adopted 2002) and the Local Plan Proposals Map (adopted 2002).

Principle of Development

- 6.4. Whilst the application proposal, for a Petrol Filling Station, falls outside the scope of development uses in the FEZ LDO that do not require full planning permission, it is considered an employment generating use. As such, the granting of outline planning consent 14/00426/MOUTE means that the principle of an employment generating use on site is already established.
- 6.5. The application site and the wider locality is the subject of an implemented outline planning consent (14/00426/MOUTE), which is completely separate from the FEZ LDO. Numerous Reserved Matters consents have been granted against this outline consent (16/00251/MREM / 18/00243/MREM / 19/00241/MREM). This demonstrates that a host of proposals, outside of the FEZ LDO, have been consented on the FEZ.
- 6.6. The scheme represents development that provides employment opportunities, to which significant weight should be attributed. An operator is in place, subject to planning permission being granted. In the short term, the construction will generate in the region of 30 to 40 jobs and, once operational, the proposal will generate 20 jobs.
- 6.7. Notwithstanding the above, the Local Plan Sites Document Policies Map identifies land to the east of the application site (north of the A64 and east of the A169), as being within a Broad Location for Future Employment. As such, the application site coming forward for a use outside the B1 / B2 / B8 use class does not prejudice such

uses from being able to come forward in the area. There is a significant parcel/s of land upon which such uses can be accommodated.

- 6.8. The application site is located just 300m to the north of the A64 / A169 / B1257 (Town Street) roundabout junction. The A64 connects the site with Scarborough to the north-east and with York to the south-west. The next available roadside PFS along the A64 to the east is some 14.5km away (Stones Fuel Oils Ltd, Sand Lane, YO17 8SG). To the west, the next available PFS is some 18km away (Coastways Service Station, A64, Flaxton YO60 7SE).
- 6.9. The above demonstrates that there is approximately 32.5km between the roadside PFSs at Coastways Service Station and Stones Fuel Oils Ltd. As such, it can be seen that there is a clear need for a PFS along this particular section of the A64.
- 6.10. Paragraph 86 of the NPPF advises that 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. Whilst the forecourt shop (Class A1) would constitute a Town Centre use, the sequential approach is clearly not applicable here given it is ancillary to the Petrol Filling Station, which, if located within a Town Centre, wouldn't meet the needs of motorists travelling on the A64. The strict application of the sequential approach here would be neither proportionate nor appropriate as is required by the Practice Guidance.
- 6.11. Paragraph 89 of the NPPF advises that, when assessing applications for retail development outside town centres, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold. Ryedale has a locally set threshold, which is set out in **Policy SP7** (Town Centres and Retailing) and states, a local floorspace impact threshold will be applied for the assessment of planning applications for town centre uses outside of the defined Town Centre Commercial Limits and not in accordance with this Plan, as follows:
- 500sqm gross for comparison only schemes;
 - 750sqm gross for convenience only schemes; and,
 - 1,000sqm gross for a combination of convenience and comparison schemes.
- 6.12. The forecourt shop will comprise of convenience retail goods, for which Ryedale have set a local threshold of 750sqm for the necessity for an impact assessment. The

forecourt shop will measure 320sqm in total, of which only 200sqm will be for retail sales. The forecourt shop is clearly, therefore, below the locally set threshold for requiring an impact assessment.

- 6.13. Notwithstanding the above, the proposal will act as an interceptor of trips, not as a shopping destination and generator of new trips. It will intercept and serve traffic along the A64 and any impact as a result of trade diversion will be dispersed over a wide geographical area.
- 6.14. Taking into account all material considerations, the principle of this development is acceptable and in accordance with overarching policy set out in the **NPPF**.
- 6.15. In summary, the principle of development is deemed to be acceptable.

Design

- 6.16. The design approach adopted follows a number of the suggestions in the Design Code promoted by the FEZ LDO.
- 6.17. The site is located within Zone 3 of the FEZ, where the LDO recommends building heights should not exceed 13m. The building and forecourt canopies are low profile, measuring 4.7m and 6.3m respectively, so are well within the tolerances anticipated within the LDO.
- 6.18. The elevation drawings indicate complimentary Kingspan composite panels for the walls, polyester powder coated metal flashings for the roof and polyester powder coated aluminium curtain walling frames for the windows and doors, reflecting the advice of the design code.
- 6.19. Overall, the design and external appearance of the proposal is considered to conform to the guidance set out within the FEZ LDO Design Code, together with Local Plan Strategy **Policy SP16** (Design).

Highways

- 6.20. The application is supported by a **Transport Assessment** (TA) prepared by **Connect Consultants Limited**.

- 6.21. The TA advises that the proposal site is surrounded by a pedestrian network that includes a number of crossing facilities and a residential catchment within walking distance of the PFS. Malton and the surrounding area is conducive to cycling and the bus stops local to the site are served by frequent bus services, which provide access to / from a variety of destinations. The proposal site also has a prominent location relative to the local highway network. Overall, the site has a good level of accessibility by all relevant transport modes.
- 6.22. The proposed site layout has been assessed for service vehicle manoeuvres based on a 16.5m articulated goods vehicle and details of the swept path assessment are provided at Appendix 2 of the TA. The track plots indicate that the service route through the site is satisfactory and that service vehicles would be able to manoeuvre within the site, enabling service vehicles to arrive and depart to / from the site in forward gear.
- 6.23. Swept path analysis has shown that access arrangements of the proposed development are suitable for their intended use.
- 6.24. The parking standards pertinent to the proposed development are outlined in Appendix A of the NYCC document 'Transport Issues & Development – A Guide', published in 2003. These parking standards do not include petrol filling stations and so reference has been made to the convenience store element of the proposed development, which can be categorised as a 'Supermarket (under 1,000 sq.m. GFA)' land use in the NYCC standards. For vehicular parking, as the proposal site lies outside of the urban area of Malton (which is classified as a Market Town in the NYCC policy document), it is appropriate to classify the site as being within a 'Rural Area'.
- 6.25. The car parking standards indicate one space per 14sqm GFA, which equates to a maximum provision of 23 spaces for the proposed development ($320 / 14 = 22.9$). The proposals include 29 car parking spaces and therefore broadly accords with local standards.
- 6.26. The standards for disabled parking are outlined in Section 5.5 of the 'Transport Issues & Development – A Guide' document, which requires a provision equal to 6% of the total number of spaces. This equates to 2 spaces for the proposed development ($29 \times 6\% = 1.7$). The proposals include 2 disabled spaces and therefore accords with local standards.

- 6.27. For operational uses, the standards indicate one service space per 500sqm GFA, which equates to one space for the proposed development. The proposed development includes a service bay adjacent to the south side of the convenience store.
- 6.28. The proposed development accords with local car parking standards.
- 6.29. The potential increase to traffic due to the proposed development has been calculated based on data from the TRICS database. This includes consideration of the committed development, including vehicle movements relating to outline consent 14/00426/MOUTE. It is worth highlighting that no vehicle movements associated with the original outline permission have been offset to the accommodation of the PFS – no movements associated with the Office Campus have been removed, or example. The assessment can, therefore, be considered robust. This assessment shows that the potential increase to traffic will be moderate at all junctions within the agreed study area.
- 6.30. The capacity assessment shows that the A169 Roundabout and the A64 / A169 / B1257 Slip Roundabout will operate within capacity for all peak periods with the proposed development in place. Overall therefore, the traffic effect of the proposed development is acceptable.
- 6.31. The TA concludes:
- the site is accessible by a choice of travel modes and will reduce reliance on the private car consistent with national and local planning policy;
 - the proposed development is well conceived in terms of its access arrangements, composition and layout;
 - the proposed development accords with local parking standards;
 - it has been demonstrated that the service arrangements will be able to accommodate delivery traffic;
 - the traffic assessment included in this report is based on a realistic traffic impact scenario and demonstrates the development traffic effects are capable of being accommodated on the highway network.

- 6.32. The results of the TA highlight that the proposed development is acceptable from a transport perspective and in full accordance with Local Plan Strategy **Policy SP19** (Presumption in Favour of Sustainable Development).

Landscape and Visual Impact

- 6.33. A **Landscape** (and Ecological) **Appraisal** has been prepared by **Smeeden Foreman**. Views from eight viewpoints were assessed from different locations around the application site. The receptors were all users of roads / Public Right of Way, with seven of the receptors identified as being low sensitivity to change due to the restricted views and the presence of detracting urban features such as road networks, street lighting, signs, electricity pylons, and existing built form.
- 6.34. The visibility of the wider Eden Park site is reduced by a combination of the flat topography and the level of containment provided by strong woodland belts, major road networks (A64 and A169) and existing buildings associated with Eden Camp Museum.
- 6.35. The land on which the PFS is proposed is further encapsulated within the wider site with Unit B adjacent to the west, the new roundabout (including street lighting) and A169 to the east, and the inner access road to the north.
- 6.36. The magnitude of visual change was assessed, assuming that the approved planning proposals on both the eastern and western site (phase 2) are implemented with the development of a livestock market, further industrial units and offices. On this basis, the change to the proposals was assessed as not greater than a low magnitude of change. This is due to the presence of urban detractors already influencing the character of site and immediate area, which will be reflected by the anticipated impact of the future development proposals.
- 6.37. The landscape effect was assessed as Minor Adverse from the two viewpoints situated closest to the site boundary, as this is where the change from offices / industrial units to a petrol station would be the most apparent, however it should be noted that there would be no change to the character of the site and surrounding area from the current planning status of the site.

- 6.38. The proposals include the planting of trees around the site, which will help to integrate the building within the landscape context, and soften visual impacts.
- 6.39. Impacts of this magnitude were accepted on the granting of the original outline application (14/00426/MOUTE) and the FEZ LDO, so the position is no different to that already approved. In fact, given the lower heights of the PFS compared to the Office Campus approved under the original consent, the PFS would create a betterment.
- 6.40. The proposal fully accords with Local Plan Strategy **Policy SP13** (Landscapes).

Ecology

- 6.41. An **Ecological** (and Landscape) **Appraisal** has been prepared by **Smeeden Foreman**, which advises that initial ecological surveys of the wider site were carried out by FPCR in January 2014 (report ref: 6038/ECO/Edenhouse/EcoApp/EdenWest, 3rd April 2014) and updated by Smeeden Foreman (report ref: SF2459 Malton Food Enterprise Zone, Eden Camp - Ecology Update Survey, 13th October 2016). A further ecological walkover of the application site was undertaken by Smeeden Foreman in May 2019 to assess the current status of the habitats on site and to assess the sites suitability to support protected species.
- 6.42. The majority of the site comprises a patchwork of compacted bare stony ground, as a consequence of recent adjacent construction work, and arable weeds. The habitats within the site that are to be lost are considered to be of low conservation value and are affected by disturbance from adjacent highway and construction activity. The habitats such as the hedgerow, ditch, and field margin are outside the site boundary and are not anticipated to be affected by construction of the proposals.
- 6.43. There are proposals for additional native tree and shrub planting within the site and around the site boundary, which will enhance biodiversity across the site. The proposal will come forward in full accordance with Local Plan Strategy **Policy SP14** (Biodiversity).

Heritage

- 6.44. The application is accompanied by a **Heritage Summary Note**, prepared by **Prospect Archaeology**. The Note assesses below ground heritage. There is no above ground heritage to consider.
- 6.45. The Note explains that a heritage assessment was prepared by Prospect Archaeology in 2014 and concluded that there was low potential for archaeological activity although a Roman Road was projected to cross the area. Following discussion with the North Yorkshire County Council Heritage Services, a geophysical survey was commissioned to establish the presence or absence of any as yet unidentified heritage assets. This also concluded that, apart from former field boundaries as seen on 19th century Ordnance Survey maps, there was a low potential for archaeological activity. No evidence for the putative Roman road was identified.
- 6.46. In February 2016 a Written Scheme of Investigation (WSI) was prepared by Prospect Archaeology to allow for monitoring of the proposed location of an attenuation pond to the south of Edenhouse Road. This work was carried out by CFA Archaeology in March 2016 and identified an undated ditch containing a copper alloy pin and the earth-cut remains of a possible small structure, believed to be of modern date.
- 6.47. In May 2016 a further WSI was prepared for the evaluation of the remainder of the Eden Camp West site, allowing for the work to be phased. The evaluation of the infrastructure works was undertaken in May 2016 and identified no archaeological remains.
- 6.48. Following comments from Historic England, the WSI for evaluation was revised to include a mixture of trenches and small area excavations. A further geophysical survey was also commissioned to investigate an area to the east of that previously inspected. This identified no archaeological activity other than that relating to 19th century field boundaries and drainage.
- 1.5. In June 2018 the evaluation of the field east and north of Edenhouse Road was evaluated in accordance with the approved WSI. No archaeological remains were identified.
- 6.49. Extensive archaeological investigation has been undertaken over the course of the last 5 years, both within the application site and in the immediate environs. There have been no archaeological features or finds identified within the trenches excavated

within the site and only one undated and occasional modern features identified in the surrounding fields. The potential for as yet unidentified remains to exist within the redline boundary are negligible. It has been subject to desk-based assessment, geophysical survey and evaluation excavation. No further work is warranted in advance of development.

- 6.50. All work undertaken complies with the Standards and Guidance of the Chartered Institute for Archaeologists (CIfA) and the requirements of the NPPF.

Flood risk and drainage

- 6.51. A Drainage & Flood Risk Statement has been compiled by JPG Limited.
- 6.52. The Statement identifies that the site lies within Flood Zone 1 and is therefore at low risk of flooding from river or sea. NPPF Technical Guidance states all uses of land are appropriate in Flood Zone 1.
- 6.53. Other sources of flooding have been assessed and the risk of flooding from these sources is considered to be low.
- 6.54. Discharge of surface water via infiltration methods is not deemed viable due to the shallow ground water table.
- 6.55. The site benefits from surface water drainage infrastructure designed to accommodate this site and future development plots. The perimeter swale is designed to accept an unrestricted flow of surface water from the site. The swale outfalls via a pipe network to the attenuation pond to the south, ultimately discharging to the IDB maintained watercourse (Riggs Drain) at the previously agreed greenfield discharge rate of 1.4 litre/second/hectare.
- 6.56. The site benefits from foul water drainage infrastructure designed to accommodate an unrestricted flow of domestic foul water from this site and future development plots. The foul drain network discharges to a new foul pump station, which is to be adopted by Yorkshire Water under a Section 104 agreement. The pump station ultimately discharges to an existing combined public sewer at the southern end of the Eden Camp access road.

- 1.6. As such in flood risk and drainage terms there is no constraint to the development of this site. The proposal fully accords with national and local policy.

Contamination

- 6.57. A **Contamination Assessment Technical Note** (Note) has been prepared by **JPG Limited** to provide a technical review of the findings of the contamination assessment which was carried out as part of the previous investigative works.
- 6.58. The Note should be read in conjunction with the Geoenvironmental Desk Study (reference MT/DS/4656v4, April 2018) and the Geoenvironmental Ground Investigation (reference RM/GI/4656.v2, February 2018), which formed part of the previous application/s.
- 6.59. The Note reports that made ground comprising dark brown slightly organic clayey sandy topsoil with common rootlets was encountered at each exploratory location and was proven to depths of between 0.20m and 0.35m. The underlying natural strata typically comprised a band of clayey silty fine sand with occasional fine gravel to depths of between 1.00m and 2.50m. This was underlain by soft to firm occasionally thinly laminated slightly sandy silty clay to depths of between 2.30m and 3.80m. This was in turn underlain by clayey sandy silt or silty fine sand which was proven in the boreholes to depths of between 4.50m and 5.00m which was in turn underlain by sandy gravel of limestone and chert which was proven to depths of between 6m and 6.91m. Shallow groundwater and running sand was encountered in fourteen of the trial pits at depths of between 1.50m and 3.70m. No hydrocarbon odours were noted at any of the exploratory locations.
- 6.60. Nine samples of made ground comprising topsoil and three samples of natural ground were submitted for total soil analysis. Three of the samples of made ground were also submitted for an asbestos screen and two of these samples were submitted for leachability analysis. Chemical testing was carried out for the following determinands by Derwentside Environmental Testing Services Limited (DETS) in County Durham. Selected samples of soil were tested and submitted for analysis. None of the determinands in the soils samples were detected at concentrations in excess of their respective Generic Assessment Criteria (GAC) for a commercial end use. Three samples were submitted for an asbestos screen, no asbestos was detected in these samples.

- 6.61. Selected samples of soil leachate and groundwater were tested. None of the determinands were detected at concentrations in excess of their respective GAC. The groundwater samples were also submitted for TPHCWG analysis, no elevated concentrations were detected.
- 6.62. Based on the desk study information and ground conditions encountered, it is considered unlikely that there is the potential for the presence of hazardous ground gases on the site. In order to assess the potential risks posed to the proposed development from hazardous gases, monitoring wells were installed in the cable percussive boreholes. Based on the results of the gas monitoring, the site should be classified as Characteristic Situation 1. Therefore gas protective measures will not be required in the proposed development.
- 6.63. In conclusion, the Note advises that, based on the ground and groundwater conditions encountered on the site in its current condition and the results of the chemical analysis and hazardous gas monitoring which has been carried out, no potential sources of contamination have been identified. Therefore, no potential pollutant linkages exist and no receptors are considered to be at risk. The proposal is in full accordance with national and local policy.

7. CONCLUSIONS

- 7.1. Full planning permission is sought for the erection of a Petrol Filling Station (PFS), comprising pump islands, canopy and forecourt shop (Class A1), along with associated access, landscaping and boundary treatments on land at Edenhouse Road, Old Malton, Malton.
- 7.2. The application site and wider area has outline planning permission for employment generating uses (14/00426/MOUTE) and has been implemented. Separate from this, an LDO is in place that, although the proposal falls outside the use classes identified within it, supports the principle of other development.
- 7.3. The application site is identified in the Local Plan Sites Document as forming part of a much wider '*Committed or Under Construction Employment*' site.
- 7.4. The proposal constitutes an employment generating use, for which 30 to 40 construction jobs and 20 operational jobs will be created, which should be attributed significant weight.
- 7.5. There is approximately 32.5km (20 miles) between the two nearest existing roadside PFSs. As such, there is an identified need for a petrol filling station along this particular section of the A64.
- 7.6. As identified in the Planning Considerations chapter of this Town Planning Statement, there are no Development Management constraints to development. In terms of impacts, there is no material difference between approved outline development and that now proposed. Accordingly, there is limited harm from the development when considered in the whole and with regard for all material considerations.
- 7.7. In final conclusion, the application is acceptable in terms of national and local policy and should be granted planning permission.