



Planning Committee

6 April 2021

Full Planning Permission to Rebuild Service Station Following Fire Resulting in Full Demolition Under Building Control Dangerous Structure Notice as Amended by Email and Revised Plans Received 24th February 2021

21 - 23 Victoria Road, Richmond, North Yorkshire, DL10 4AS

Report of the Planning Manager

Richmond West
Key Decision = N

Date Application Received:	4 December 2020	Target Date for Decision:	29 January 2021
Applicant:	Harvest Energy		
Agent (where applicable):	Wyeth Projects		
View Application Documents, Consultation Responses, Representations Received and Other Background Papers Online:	https://documents.richmondshire.gov.uk/planning/planning-documents?SDescription=20/00895/FULL&viewdocs=true		

1.0 Purpose of the Report and Decisions Sought

1.1 To set out details of the proposal, a description of the site and its surroundings, a summary of planning policy and planning history, details of views expressed by consultees, a summary of the relevant planning issues and a recommendation to assist the Committee in considering and determining this application for planning permission.

2.0 Background and Details of the Proposal

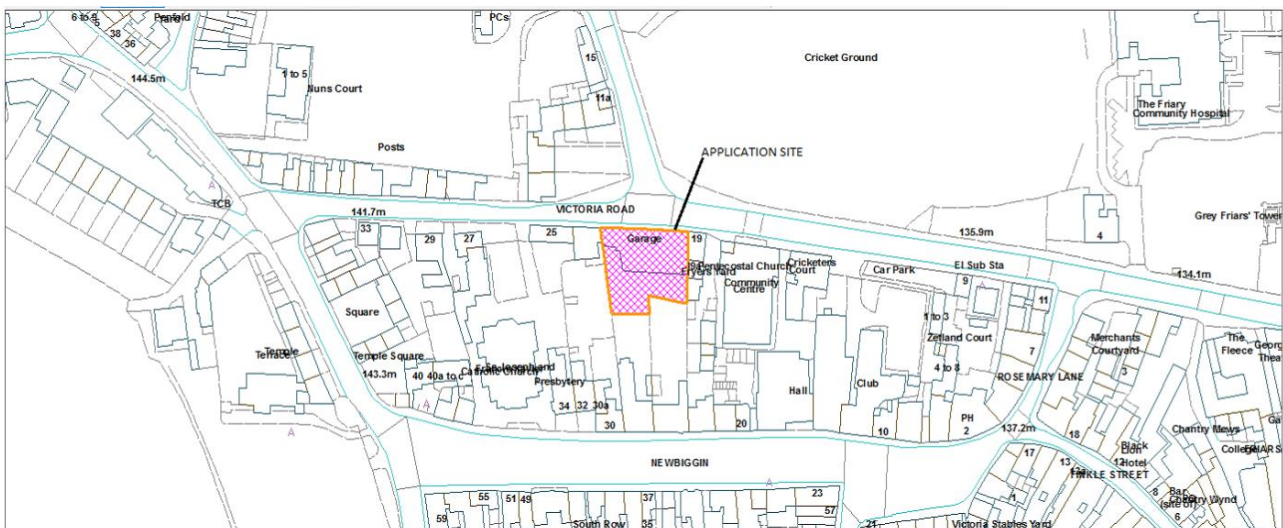
2.1 This planning application (as amended) relates to the proposed building of the petrol service station and associated shop at 21 Victoria Road, Richmond. The proposed development would be on the site which was previously occupied by an existing petrol service station until it was demolished in 2020 due to being badly damaged by fire.

2.2 The proposals as originally submitted proposed a 24/7 operating retail shop and petrol station, with substantial increases in the roof mass and form (as compared

with the previous service station complex on the site). In light of consultation responses raising concerns/objections to the proposals with regards to the impact of the development on the character and appearance of the Richmond Conservation Area and neighbour impact, the proposals have now been amended to provide for opening hours of between 6am and midnight, with a potential later start on Sunday mornings.

- 2.3 During negotiations between Officers and the agent regarding amendments to the submitted proposals, the erection of a typical service station forecourt canopy was suggested by the agent, without linking the roof of the service station to the properties either side. However, following further discussions, the scheme has been formally amended to provide for a roof arrangement that maintains a continuous frontage terrace roof arrangement in natural blue slate, with the main flat roofed area set behind the frontage roof arrangement.
- 2.4 The amended plans are attached as **Appendix 1** to this report. All other documents are available to view as required through the 'Public Access' area of the Council's web site using the link at the beginning of this report.

3.0 Description of the Site and Surroundings



- 3.1 The Victoria Road Garage site is presently a vacant plot, following the approved demolition of the previously fire damaged service station. Before the fire, the premises comprised a fuel station forecourt and retail shop premises.
- 3.2 The location of the site is directly opposite (to the south) of the Hurgill Road junction with Victoria Road, and prior to its demolition, the frontage roof of the building formed a terrace with a property to the east and a terrace of properties to the west. To the north-east, and on the opposite side of Victoria Road, lies the Richmond Cricket Ground. The application site is within the Richmond Conservation Area.

4.0 Planning Policies

Richmondshire Local Plan 2012/2028 Core Strategy

- 4.1 The following policies of the Local Plan Core Strategy are relevant in considering this application:

SP1: Sub Areas
SP2: Settlement Hierarchy
SP5: Scale and Distribution of Economic Development
Central Richmondshire Spatial Strategy
CP1: Planning Positively
CP2: Responding to Climate Change
CP3: Achieving Sustainable Development
CP4: Supporting Sites for Development (with reference to Saved Policy 23 of the Local Plan 2001)
CP7: Promoting a Sustainable Economy
CP12: Conserving and Enhancing Environmental and Historic Assets
CP13: Promoting High Quality Design

National Planning Policy Framework (February 2019)

4.2 As a means of achieving sustainable development and alongside the presumption in favour of sustainable development, the following specific sections of the document are relevant in considering this proposal:

- Building a Strong and Competitive Economy
- Promoting Healthy and Safe Communities
- Achieving Well-Designed Places
- Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Conserving and Enhancing the Historic Environment

National Planning Practice Guidance

4.3 The nPPG complements the aforementioned National Planning Policy Framework in terms of how the NPPF should be implemented in practice. The nPPG can be a material consideration in the decision-making process. The following categories of the nPPG are considered relevant in the consideration of this proposal:

- Design: Process & Tools
- Determining a Planning Application
- Healthy and Safe Communities
- Historic Environment
- Land Affected by Contamination
- Light Pollution
- Renewable & Low Carbon Energy
- Town Centres & Retail
- Use of Planning Conditions

Supplementary Planning Documents

4.4 The following adopted Supplementary Planning Documents are relevant in considering this proposal:

- Richmond Conservation Area Appraisal and Management Proposals (Draft)
- Richmond Town Design Guide

Statutory Considerations

4.5 Sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990 places a duty on the Local Planning Authority to have special regard to the desirability of preserving [a listed] building or its setting or any features or special architectural or historic interest which it possesses.

4.6 Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

5.0 Planning History

5.1 Set out below is the most relevant planning history relating to the application site. Other associated planning history relates to various applications for advertisements; replacement of asbestos roof covering to what was a workshop (before becoming a showroom and then a retail shop) with composite cladding material; and provision of underground fuel storage tanks:

5.2 Reference: 1/92/141E/PA

Description: Redevelopment of filling station, including new sales building; new showrooms and parts/store department; new islands, pumps and installation of 26,000 litre storage tank, Victoria Road Garage, Richmond (as amended by letter from Colt International Ltd received in the Richmondshire District Council's Planning Department on 30th July, 1990, and Drawing no. 2985/7/111 Rev. C received on 28th August, 1990).

Decision/Date: GRANTED 28th August, 1990.

5.3 Reference: 10/00997/FULL

Description: Full planning permission for conversion of existing showroom into small retail shop.

Decision/Date: GRANTED 4th March, 2011

This planning permission restricted the sale of convenience goods, and specifically no sales of bulky comparison/white goods other than small scale items normally found at convenience stores. A further restriction prevented the installation of external shutters to the shop front.

5.4 Reference: 18/000645/FULL

Description: Full planning permission to install one rapid electric charging station and associated equipment, Victoria Road Services.

Decision/Date: GRANTED 22nd March, 2018.

5.5 Reference: 20/00603/FULL

Description: Full planning permission for relevant demolition (of the fire damaged service station) in a Conservation Area.

Decision/Date: GRANTED 18th November, 2020.

6.0 Consultations Undertaken and Representations Received

Since the submission of the application in December, 2020, there have been reconsultation exercises on amended plans and revisions to the proposed hours of operation:

The representations (as summarised below) are relevant to the current (as amended) proposals, although some comments may have been submitted during the original consultation or first reconsultation exercise (rather than the latest reconsultation). Where this is the case, such comments will be identified as such. All representations submitted during the various consultation and reconsultation exercises are available to view in full within the "Documents" section of the

application on Public Access. Any additional and outstanding representations received after the publication of this report in relation to the reconsultation exercise will be reported to Members before or at the Planning Committee meeting:

- 6.1 **Richmond Town Council:** Having objected to the proposals as originally submitted because of the larger dimensions of the new structure; the style and materials of the development (including the frontage railings and lighting) ; the uncovered bin storage and the unclear means of access/egress for large tankers, the Town Council raised no objection in principle to the amended proposals, but feel that a stone frontage to the shop would be more appropriate than a rendered finish. Confirm that the Town Council remain strongly against the proposed opening and licensing hours as stated within the original submission.
- 6.2 **Local Highway Authority:** The Highway Authority have recommended conditions relating to the provision of a suitable visibility splay to the east of 45 metres; provision of the approved access, turning and parking areas layout; prior to the commencement of the development, the provision of a construction phase management plan for the parking of contractors/site operatives and visitors vehicles clear of the highway.
- 6.3 **Environmental Health:** Environmental Health raised concerns in relation to the original consultation because of the potential concerns in relation to the proposal for '24/7' hours of operation. Environmental Health considered that the '24/7' operation would have the potential to cause adverse impacts to nearby residential properties during the night.

In relation to the amended proposals, Environmental Health have made revised comments/observations. They now note that the revised proposed operating hours are 6.00am to midnight (Monday-Sunday), but with some proposed flexibility on the Sunday start time. Although these hours of operation may be longer than the previous operation hours for the previous filling station on the site, Environmental Health have confirmed that they consider the amended operation hours to be 'a reasonable compromise' for this location, as compared to the previously proposed 24 hour opening. Environmental Health have confirmed that whilst there is the potential for noise associated with the operation and use of the facilities and servicing activities (including waste collections and deliveries to the shop) to have some slight adverse impact on nearby residential properties, particularly at the beginning and end of each day, however they do not expect the impact to be significant. Therefore, Environmental Health have no objections to the application based on the amended hours of operation. Environmental Health have recommended informatives regarding the permit process for any petrol vapour recovery system; food sales/hygiene matters and licensing.

- 6.4 **Richmond and District Civic Society:** Responding to the original consultation, the Civic Society stated that they thought there would be an imbalance in the style of the building by attempting to mix the practicality with heritage aspects. As a petrol station, its design is inevitably going to be of a different style to the surrounding buildings, and they therefore thought that the proposed decorative metal fencing and 'heritage style' light fitting were inappropriate. Any individual pieces of stone should be rectangular in shape, rather than randomly-shaped, which would be more in keeping with the overall style.

In relation to the reconsultation on the amended plans, the Civic Society have stated that they are pleased to see the amended scheme which addresses many of the concerns previously expressed during the original consultation.

- 6.5 **RDC Licencing:** Have confirmed that the proposed shop will require a new alcohol licence for the premises. Any licencing application would be considered by the Council's Licencing Committee in due course.
- 6.6 **North Yorkshire Building Control Partnership:** No responses have been received to the consultation or reconsultation.
- 6.7 **Yorkshire Water Services:** Following reconsultation on the amended scheme, Yorkshire Water have confirmed that they have no additional observations/comments to make, although their comments and recommended conditions submitted in relation to the original consultation would still apply.

Yorkshire Water raised no objections in relation to the original consultation, subject to the following recommended requirements and conditions:

- The developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer. As a last resort, and upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, curtilage surface water may discharge to public sewer. Surface water discharges to the public sewer must have a minimum of 30% reduction based on the existing peak discharge rate during a 1 in 1 year storm event. The developer will be required to provide evidence of existing positive drainage to a public sewer from the site to the satisfaction of Yorkshire Water and the Local Planning Authority by means of physical investigation. On-site attenuation, taking into account of climate change, will be required before any discharge to the public sewer network is permitted.
 - The site shall be developed with separate systems of foul and surface water drainage, on and off site.
 - 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.
- 6.8 **Richmond Business and Tourism Association (RBTA):** No response received in relation to the reconsultation, but the RBTA objected to the proposal during the original consultation for the following design reasons (although agreed that the service station should be rebuilt):
- The previous service station was a 'valuable amenity for Richmond and for visitors coming into and out of the town, with the site located in the Conservation Area, opposite the junction with Hurgill Road and Victoria Road. It is important that the proposals fits into the surrounding area in a visually appealing way, and it is important that the development within the

Conservation Area is sympathetic to the vernacular to support Richmond as 'an unspoiled visitor destination'...to the benefit of residents and visitors alike.

- The design of the proposed service station rebuild should not detract from the appearance and character of adjacent and nearby buildings.
- Object to the proposed 24/7 operation of the fuel station and shop within a residential area...the opportunity for disturbance would be unacceptable.
- The size and height of the development will impact on domestic properties in Newbiggin.
- Comments about incorporating signage.

6.9 **County Archaeology:** The County Archaeologist provided the following background/context, comments and recommendation in relation to the original consultation:

The development site is within the historic medieval town of Richmond. Historic map evidence indicates that the site formed a back plot to the properties fronting Newbiggin to the south in the 17th and 18th centuries. By the late 18th century development begins to take place along Victoria Road, which was formerly known as 'Back Ends', again suggesting a low-key role as a back lane rather than a developed street frontage during the medieval period. This said, recent archaeological work at the former garage site to the east of the Pentecostal Church and Community Centre revealed complex medieval deposits, including possible 13th-14th century buildings along the Victoria Road frontage with features such as pits, ditches and a stone built well to the rear. This suggests a higher archaeological potential than previously thought, that would advance our understanding of the development of the medieval town.

Although accepting that the proposed development would be 'largely a like-for-like' replacement of the recently demolished garage site', as new foundations and services will be required for the new development, it may have a localised impact on archaeological remains. The County Archaeologist therefore recommended a condition (should planning permission be approved) requiring a scheme of archaeological mitigation to be undertaken, comprising of an archaeological watching brief to be carried out during excavations for new foundations and new drainage or services, to be followed by appropriate analyses, reporting and archive preparation, in order to ensure that a detailed record is made of any deposits/remains that will be disturbed.

Following reconsultation on a subsequently submitted Written Scheme of Investigation, the County Archaeologist confirmed in a formal reconsultation response that he had no issues with the document and considered it to be an 'appropriate scheme which is in accordance with the appropriate professional guidance'. As he has confirmed he has no objections to the development, subject to an amended recommended planning condition being imposed which requires the development to be carried out in accordance with the submitted Archaeological Watching Brief, and for the site investigation and post investigation assessment to be completed in accordance with the approved WSI, including the provision made for analysis, publication and dissemination of the results and the securing of the archive disposition.

6.10 **Local Residents:** A summary of the 37 representations received in response to the original consultation exercise are as follows (where comments made are material planning considerations) Copies of all of the consultation responses can be viewed in full via Public Access, using the link at the beginning of this report. Almost all responses received expressed support with regards the principle of rebuilding the garage, subject to improvements to the originally proposed form, design and materials; and 13 of the responses were fully supportive of the proposals, not wishing to lose the local shop and garage as it was easily accessible. A summary list of the reasons for objections stated within the responses receive following the original consultation are listed below:

- Concerns over the refuse compound and whether it would be closed in or open – worried about vermin and smell
- Concerns over 24/7 opening hours in a quiet residential area
- Concerns over the '24/7' selling of alcohol, disturbance, under-age drinking and anti-social behaviour.
- Hours should be limited from 6am to 10pm
- Query the need for fossil fuels with rapid development towards electric vehicles
- Noise from delivery vehicles will be audible
- Line of sight for vehicles travelling south down Victoria Road will be affected by delivery vehicles parked on the outside area of the forecourt, impacting vehicles travelling towards the town on the north side of Victoria Road
- Pavement used by children and adults on school route will be more dangerous with parked vehicles obstructing their view
- Proposed new building will be much higher and will have an impact on the quality of light/overshadowing experienced by neighbouring residential gardens at the rear
- Proposal does not respect the scale and proportion of the surrounding structures and buildings
- Conflicts with Local Plan objectives that the historic heritage, character and identity of local towns and villages is protected and enhanced by ensuring new developments are appropriate in terms of scale and location in the context of settlement form and character
- Concern about light pollution
- Concern about increased air pollution and reducing carbon emissions
- A 24 hour garage will directly contribute to an increase in carbon emissions and will negatively impact not just on the local community and environment but also efforts to limit global climate change
- Concerned that there should have been wider public consultation
- There is a clear need to rebuild the garage, however the Government mantra of 'Build Back Better' should be applied to the design and scale
- Consider that with the Government policy on banning sales of new petrol and diesel cars by the end of 2030, the design proposed is already obsolete if it is to fulfil these national criteria
- Proposed building scale (specifically the height) considerably larger than before
- Choice of building materials appears to be based on economic reasons and little to do with aesthetic impact on the street scene along Victoria Road
- Surely rebuilding of the garage affords the applicant an opportunity to create a future-proof and sensitively designed exemplary building in a world that's

rapidly transitioning to a greener, sustainable environment, and they should be encouraged to 'do better' in this regard

- Any redevelopment should be 'like-for like' and subject to a full traffic hazard assessment taking full account of the residential nature of the location
- Increased height of building would affect the Church gardens and will feel very imposing compared to the original build
- Views from the Cricket Ground will be directly affected
- Impact on Listed Buildings in immediate vicinity of garage
- Signage. The proposals include signage which appear to be internally illuminated. This is a totally inappropriate form of advertisement within this location. The illumination should be either trough illumination or halo lit to reduce glare
- Opportunity to introduce electric vehicle 'hook-up'/charging points
- Opening hours should be limited by planning condition.

6.11 The adjoining neighbour at No. 23 Victoria Road also objected to the proposals for similar reasons as set out above. Their reasons were also set out in a solicitor's letter included concerns about the original consultation process. Other issues raised in the solicitor's letter included the impact of the design; inappropriate use of modern materials; the impact of the height and profile on the neighbourhood; impact on nearby Listed Buildings; potential for noise disturbance and the adverse impact on residential amenity, including the scale (at over 4m higher than the original building) causing over-shadowing of the windows and rooflights of no. 23 Victoria Road which is soon to be renovated as a 2 bedroom apartment and craft workshop where the loss of light would be detrimental to the property.

6.12 A further solicitor's letter, from the same objector, draws attention to a private covenant on the garage site stating that "nothing shall be done or permitted on the premises which might be a public or private nuisance or annoyance or detrimental to the vendor and no noisy or offensive trade shall be carried on upon the premises but this clause shall not preclude the carrying on upon the premises of a cooked meat factory in connection with the Purchaser's business as a Butcher and cooked meats purveyor." They state that as the owner of the neighbouring property to the west: at 23 Victoria Rd and its garden, and also to the south: 28 Newbiggin, their client has the benefit of this covenant created by a conveyance of the land in the above title dated 21st of December 1935. In addition, the same objector has commissioned section drawings to demonstrate the impact of the original garage proposals on No. 23 Victoria Road.

6.13 In response to the reconsultation undertaken for the amended scheme, four letters from nearby residents have been received, largely supporting the revised plans with the amended design alterations being more in keeping with the surroundings and welcoming the reduced proposed hours of opening. Some reservations were still expressed about the height of the roof and finish of the building, which, it was stated, should be stone, not render.

6.14 The adjoining neighbour at No. 23 Victoria Road has responded in detail to the revised plans following reconsultation, stating that the amendments address some of his issues, but not all, and that they also raise some new issues and concerns. The concerns expressed are summarised below:

- very large flat roofed structure stands at the very centre of the proposed new plans

- the proposed flat roof canopy is 2m higher than the roof of the previous garage – a very large increase with clear negative visual impact on adjoining properties, especially when viewed by adjoining properties at the back or side of the garage
- steel frame structure clad in a mixture of various synthetic materials, having no empathy with the Conservation Area – ‘motorway services style structure’ is 4.7m high and adverse visual impact on adjoining properties significant.
- use of render instead of stonework to shop front
- flat roof over rubbish compound would be improved with a pitched roof covered in blue slate
- revised plans raise new issues due to open canopy for adjacent properties, including noise pollution, air pollution, artificial night-time light pollution and the increased risk of flames and burning debris spreading to adjacent properties in event of another fire
- old garage design, with enclosed canopy went a long way to containing the fire
- suggest canopy design could be improved to provide enclosed roof, suggest a combination of a pitched outer roof with central non-sloping inner roof, with the outer sloping pitch in blue slate extending past the edge of the roof to contain artificial light and air pollution
- refers to the private covenant and that the owners are required ‘to act at all times in a way which is considerate to adjoining properties ... and to act with integrity ... by not building or doing anything which would be to the detriment of adjoining properties.’

6.15 The proposal has been publicised by a site notice and newspaper advertisement and the period for representations to be made has now expired.

7.0 Planning Issues

Policy Considerations

- 7.1 The full list of relevant policies is set out in Section 4 above. The key policy requirements that have the greatest bearing on the consideration of this application are: supporting the sustainable and sensitive redevelopment of the garage and convenience shop on this brownfield site, having regard to its location within the Richmond Conservation Area, impact on neighbours and highway safety. Specific Policy expectations in this context are detailed below:
- 7.2 Spatial Principle SP1: Sub Areas – Central Richmondshire is the area of greatest growth, with Richmond being one of the Principal Towns identified in Spatial Principle SP2: Settlement Hierarchy. The main focus in the Principal Town is for (*inter alia*) employment, shopping, and facilities. Within these areas small scale economic development will be encouraged to support appropriate business and tourism uses, and providing local employment. The Central Richmondshire Spatial Strategy supports development that strengthens and sustains Richmond within its significant environmental and infrastructure constraints, encouraging the sympathetic development of sustainable and accessible brownfield sites within the town. Policies CP3, CP4, CP12 and CP13 expect new development to be of high quality design, respecting the character of the settlement and having regard to the historic context of its surroundings, seeking to preserve or enhance the significance of any designated and non-designated heritage assets (including the Conservation Area; the setting of any Listed Buildings; and the impact on any archaeological

remains). Policy CP4 expects new development not to have a significant adverse impact on amenity or highway safety.

7.3 Other policy considerations of the Local Plan Core Strategy that need to be noted at this point are:

- taking a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework and working proactively with applicants to find solutions which mean that proposals can be approved wherever possible (Policy CP1).
- supporting proposals that provide for low carbon energy (Policy CP2).
- supporting facilities that meet local employment and community needs (Policy CP7).

Local Economy and Employment Opportunities

7.4 The previous garage and shop provided valuable services to the local community, businesses and tourism, and provided small-scale employment from the site prior to the fire. The rebuilding of the garage and shop would ensure that this local employment would be reinstated. The rebuilding of the fuel station and shop would also once again provide facilities for the local community and tourists alike, and would mean the site would continue to serve as a strategic location for the supply of fuel to vehicles travelling into the Yorkshire Dales, supporting local businesses and tourism. The proposal accords with the expectations of Policies SP1, SP2, the Central Richmondshire Spatial Strategy, and Policies CP3, CP4 and CP7 of the Local Plan in this regard.

Design, Scale, Materials and Impact on the Significance of Heritage Assets

7.5 The site has Listed Buildings within its vicinity - to the sides and to the rear, whilst the site is also located within a relatively prominent position within the Richmond Conservation Area. When the application site was last redeveloped *circa*. 1990, special care was taken in providing a development that sought to preserve the overall character and appearance of this part of the Richmond Conservation Area, and particular attention was given to the provision of stonework to be used to enclose the columns and archway towards the front of the site, visually supporting the canopy. At that time the car showroom building (which was later converted to a convenience store) had a rendered wall with aluminium framed and glazed shop front. Traditional blue slate was used for the pitched roof above the canopy, and the exposed steel frame structure for the canopy was painted.

7.6 The proposals, as first submitted, provided for a substantial increase in the height of the shop building to the rear of the site and an increase in height for the canopy frontage. In comparison with the pre-fire filling station, the overall design as originally proposed was considered by Officers to be unsympathetic to the character and appearance of this part of the Conservation Area. The massing of the proposed development, both at the front and rear, was also considered by Officers to have an unacceptable impact on the amenities enjoyed by local residents by affecting their gardens and the outlook from their neighbouring properties, requiring a re-design of the scale and form of the development. Furthermore, concerns were raised by the Highway Authority to the Applicant's Agent regarding the forecourt layout in relation to highway safety, requiring a re-design of the frontage of the development.

7.7 Revised proposals have therefore been submitted re-designing particular elements of the proposed development, seeking to address the design, amenity and highway

safety concerns referred to in the paragraph above. The frontage roof would be designed to have a traditional blue slate covering with a traditional pitched roof across the frontage and to be nestled in-between the gables of the buildings on either side. The proposed design would also provide for natural coloured random rubble stonework to clad the support columns and for a low forecourt front boundary wall across the centre, providing access and egress at either end of the forecourt (as was previously the case prior to the fire).

- 7.8 The proposed shop front would be set well back into the site and the amended design provides for rendered walling and panels below the non-opening glazed shop front sections. Whilst some objectors consider that the proposed shop should have stonework walling/panelling instead of a rendered finish, the use of an appropriately-coloured render is considered by Officers to represent an improvement on the previous fully glazed sections of the former (pre-fire) showroom/shop within the site; and given that the shop front would be set back a relatively long way from the frontage of the site, and taking into account that there are rendered properties elsewhere along Victoria Road, the use of render within this context is considered to be acceptable in terms of the design of the development and in relation to its historic surroundings.
- 7.9 Whilst concerns have been raised during consultation about the amenity impact of the use of illuminated signage, the proposed plans clearly indicate that the fascia boarding and signs would not be lit internally and that they would be externally illuminated by downlighting concealed behind the roof fascia board. It should be noted that the signage would be subject to a separate Advertisement Consent application which is expected to be submitted to the Local Planning Authority in due course. Impacts on amenity and highway safety of any proposed signage would be considered through the Advertisement Consent application process.
- 7.10 Whilst the height of the roof of the retail shop to the rear of the site would be marginally above the height of the boundary walls, overall the amended design would represent an improvement in terms of the visual massing and appearance of the previous sheeted roof structure (of the pre-fire development). The proposed flat-roofed forecourt canopy would be of a height required to allow delivery, tankers and other vehicles to move underneath. The proposed canopy would be visible above the wall from private gardens and the communal Church gardens, and due to its function and utilitarian nature, would have a non-traditional appearance. It is acknowledged that the Church Gardens are enjoyed by the public and are a pleasant secluded environment. However, it is considered by Officers, that the proposed canopy would have less of a mass than the previous sheeted structure, and whilst it would have a non-traditional appearance due to its function, it would not be harmful to the setting of nearby Listed Buildings, and would, as part of the overall redevelopment of the site, preserve the overall character and appearance of this part of the Richmond Conservation Area. Having been consulted on the application and having reviewed the archaeological report submitted, the County Archaeologist has confirmed that the scheme would be acceptable and would not have an unacceptable impact on archaeological remains, subject to the recommended planning condition referred to in paragraph 6.9 above. In these respects, it is considered that the proposals accord with the expectations of Policies CP3, CP4, CP12 and CP13 of the Local Plan.
- 7.11 When planning permission was originally granted for the previous car showroom to be converted to a retail shop premises in 2011, a planning condition was imposed

requiring any security shutters to the shop premises to be internally fitted, with the details submitted for formal approval, in the interests of the appearance of the shop front in this part of the Richmond Conservation Area. It is considered appropriate that this condition be re-imposed in the event of the Planning Committee approving this application.

Impact on Neighbours

- 7.12 Officers had concerns that the design and scale of the proposed development as originally submitted would have had significant harmful impact on the amenities (including the outlook) of neighbours, as enjoyed from the perspective of occupants of neighbouring properties. The amended proposals would introduce a mansard-style roof design across the whole of the site frontage, leading down to the lower roof at the rear, which would have a much reduced physical impact on neighbouring properties. The position of the canopy would be set back some distance from the boundary walls, and its design would not cause any significant loss of light or loss of outlook due to the open areas below the canopy. The revised plans also go some way towards addressing the concerns previously raised, and there's a marked improvement with regards to the massing of the previous sheeted roof structure over the shop (of the pre-fire development). It is considered that the amended proposals would not have a significant adverse impact on the amenity levels enjoyed by adjoining properties and their gardens, including not adversely impacting on the outlook from the nearby dwellings.
- 7.13 Some objectors have raised amenity concerns regarding noise, air and light pollution related to the use of the filling station and the open canopy at the rear of the forecourt. The use of the site is as a petrol filling station and shop, and whilst the design and form of the proposed rebuild would differ from that of the pre-fire development on the site, it is not considered that the redesigned filling station/shop with open canopy would result in any significant additional noise, light or pollution issues, particularly when operated in accordance with the revised hours of operation. Environmental Health have been consulted on the amended scheme (including amended hours of operation) and have raised no objections.
- 7.14 The amended scheme omits '24/7' hours of operation and provides for operating hours to be between 6am and midnight, with a later start time on Sundays. Concerns have been expressed about the potential for noise disturbance and anti-social behaviour that could be associated with the serving of alcohol to midnight. This is a licensing matter to be considered separately from the planning process. With regards to the amended proposed hours of operation, Environmental Health have considered the impact of this on residential amenity and have raised no objections despite acknowledging there is the potential for some disturbance and amenity impacts on local residents, considering the amended operational hours to be an acceptable compromise. When planning permission was originally granted for the previous showroom to be converted to a retail shop premises in 2011, a planning condition was imposed to allow the sale for convenience goods, and to restrict the sale of other 'white goods' not usually sold in a convenience store. It is considered appropriate that, in the event of approval by the Planning Committee, this restriction should be reimposed, to ensure that the premises remains a convenience store and does not change to any other type of retail or other use with a permitted right to change from retail, without further formal consideration of the implications of such a change by requiring the submission of a planning application for such determination.

7.15 Overall, the amended proposals would not have a significant adverse impact on amenity, and the proposals would comply with the expectations of Policies CP3 and CP4 of the Local Plan in this regard.

Highway Safety and Parking

7.16 Following negotiations with the applicant, the Highway Authority are now satisfied in terms of highway and pedestrian safety, based on the revised layout plan that provides for adequate access/egress, parking areas and turning space within the site, subject to the provision of a 45 metre visibility splay to the east and ensuring that the layout is completed and available for use prior to the re-opening of the fuel station and shop. This accords with the expectations of Policies CP3 and CP4 of the Local Plan in this regard.

Provision for Low Carbon Energy

7.17 The revised plans make provision for an electric vehicle charging point, and this would make a small contribution towards the provision of carbon savings and clean renewable energy in accordance with the expectations of Policy CP2 of the Local Plan. To ensure that this element of the proposals is implemented, it is considered appropriate to consider requiring the electric charging point to be installed concurrently with the installation of the new fuel pumps.

Drainage

7.18 Yorkshire Water have commented on the proposals. In accordance with the surface water hierarchy, they have recommended that surface water is disposed of via infiltration on site. If it is evidenced that surface water disposal via infiltration and watercourse are not reasonably practical, then it would be acceptable to discharge to the public sewer (subject to restrictions on flow rates). Yorkshire Water have also raised some specific matters with regards to preventing pollution from run-off from the site. The recommended approaches to surface water disposal and pollution mitigation measures can be conditioned as part of any planning permission. On this basis, it is considered that sustainable and appropriate surface water and pollution prevention measures can be achieved for the proposed development, in accordance with policies CP2 and CP3 of the Local Plan.

Other Issues Raised

7.19 Concern has been expressed that the revised scheme, with the open areas either side of the forecourt canopy at the rear of the forecourt, would give rise to an increased risk to neighbouring properties in the event of another fire on the premises. Such matters would be primarily Building Regulations considerations.

The Public Sector Equality Duty

7.20 There is a requirement for the Council to show that it has complied with the statutory duty under Section 149 of the Equality Act 2010 to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age; disability; gender re-assignment ; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

7.21 There is no overt reason why the proposed development would prejudice anyone with the protected characteristics as described at paragraph 7.20 of this report.

8.0 Conclusions

- 8.1 The proposed petrol filling station and convenience store would provide local facilities for the community, local businesses and tourists, supporting small scale employment and supporting the local economy. The amended proposals would provide for a scheme that will not be harmful to the setting of nearby Listed Buildings and would preserve the character and appearance of this part of the Richmond Conservation Area. The proposals would not harm any archaeological remains. The amended proposals would provide for an electric vehicle charging point, making a small contribution to renewable energy provision. The proposals would not have a significant adverse impact on neighbour amenity, including outlook. Suitable and sustainable drainage can be achieved for the site, with appropriate pollution prevention mitigation. The proposals provide for adequate parking, access/egress in terms of visibility, and delivery vehicles without having a significant adverse impact on highway safety. Overall, the proposals meet the requirements and expectations of policies of the Development Plan, the NPPG and the National Planning Policy Framework.

9.0 Recommendation

- 9.1 It is recommended that conditional planning permission be GRANTED for the reasons summarised at paragraph 8.1 above.

10.0 Recommended Planning Conditions

- 10.1 If planning permission is granted, it is recommended that the following planning conditions are attached to the decision notice:

Condition 1: Condition requiring the development to be undertaken in accordance with the approved plans.

Condition 2: No development shall take place other than in accordance with the Specification for an Archaeological Watching Brief: Land off Victoria Road, Richmond, North Yorkshire, 22nd February, 2021, prepared by Allen Archaeology Limited. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under this condition and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason for Condition

In the interests of appropriate recording of any archaeology that may be present on site.

Condition 3: The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason for Condition

In the interest of satisfactory and sustainable drainage

Condition 4: The Electric Vehicle Charging Point shall be installed and be available for use prior to the first use of any of the petroleum/diesel fuel pumps within the petrol filling station hereby approved, and thereafter retained and available for use.

Reason for Condition

In the interests of renewable energy provision.

Condition 5: The opening hours of the fuel station and shop premises shall be restricted to 6am midnight Monday-Sunday, unless otherwise agreed in writing by the Local Planning Authority prior to any change in hours of operation.

Reason for Condition

In the interests of the amenities of nearby residential properties.

Condition 6: The retail shop hereby approved shall sell convenience goods, and there shall be no sales of bulky comparison/white goods from this retail shop other than small-scale items normally found at a convenience store.

Reason for Condition

In the interests of retaining control over the type of retail use at this premises, in the interests of amenity and highway safety, and to reserve the rights of the Local Planning Authority with regards to this matter.

Condition 7: Any security shutters shall be installed internally within the shop and there shall be no external shutters fitted to the shop front. Precise details of the design and appearance of any security shuttering shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. Thereafter, such security shuttering shall be installed internally in accordance with the approved details.

Reason for Condition

In the interest of protecting the character and appearance of this part of the designated Conservation Area, and to reserve the rights of the Local Planning Authority with regard to these matters.

Condition 8: Prior to the first operation of the shop and petrol filling station hereby approved, a surface water drainage scheme shall be implemented and fully operational, disposing of surface water via infiltration. Details of a surface water scheme which discharges surface water to the public sewer system will only be agreed in writing by the Local Planning Authority (in consultation with Yorkshire Water) prior to the first operation of the approved development where a satisfactory non-infiltration drainage scheme supported with evidence that demonstrates that surface water disposal via infiltration or watercourse is not reasonably practical to implement.

Any surface water discharges to the public sewer must have a minimum of 30% reduction based on the existing peak discharge rate during a 1 in 1 year storm event. The developer will be required to provide evidence of existing positive

drainage to a public sewer from the site to the satisfaction of Yorkshire Water and the Local Planning Authority by means of physical investigation prior to any discharges to the public sewer. On-site attenuation, taking into account of climate change, will be required before any discharge to the public sewer network is permitted.

Reason for Condition

To ensure that a sustainable drainage scheme is approved for the proposed development, and to reserve the rights of the Local Planning Authority with regards to this matter.

Condition 9: 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 for Condition

To prevent pollution within the local environment.

Condition 10: There must be no access or egress by any vehicles between the highway and the application site until a splay is provided giving clear visibility of 45 metres measured along the channel line of Victoria Road to the east from the exit from the site from a point measured 2.4 metres down the centre line of the access.

In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres.

Once created, the visibility splay must be maintained clear of any obstruction and retained for its intended purpose at all times.

Reason for Condition

In the interests of highway safety.

INFORMATIVE NOTE: An explanation of the terms used above is available from the Local Highway Authority.

Condition 11: No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users have been constructed in accordance with the details approved in writing by the Local Planning Authority and as shown on Drawing Number VICRICH - HAR - 050 - PL02 Revision A.

Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason for Condition

To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

Condition 12: No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

- a) The parking of contractors / site operatives and visitors vehicles clear of the Highway.
- b) Areas for the storage of plant and materials used in constructing the development clear of the Highway.

Reason for Condition

In the interest of public safety and amenity

11.0 Further Information

11.1 **File Reference:** 20/00895/FULL

11.2 **Appendices:** Appendix 1: Extracts from the submitted plans and proposals

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