

Meeting: Thirsk and Malton Area Constituency Planning Committee

Members: Councillors Joy Andrews (Vice-Chair), Alyson Baker, Lindsay Burr MBE, Sam Cross, Caroline Goodrick (Chair), Nigel Knapton and Malcolm Taylor.

Date: Thursday, 21st December, 2023

Time: 10.00 am

Venue: Ryedale House, Malton

Members of the public are entitled to attend this meeting as observers for all those items taken in open session. Please contact the named democratic services officer supporting this committee, details at the foot of the first page of the Agenda, if you have any queries.

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If you are exercising your right to speak at this meeting but do not wish to be recorded, please inform the Chairman who will instruct anyone who may be taking a recording to cease while you speak.

Agenda

1. **Apologies for Absence**

2. **Minutes for the Meeting held on 16 November 2023** (Pages 3 - 4)

3. **Declarations of Interests**

All Members are invited to declare at this point any interests, including the nature of those interests, or lobbying in respect of any items appearing on this agenda.

4. **23/00249/FUL- Change of use of agricultural land to a** (Pages 5 - 30)

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OFFICIAL

seasonal camping site to allow 24no. tent and 6no. motor home pitches to include erection of an associated toilet block

Report of the Assistant Director Planning

5. **ZE23/00416/FUL- Erection of replacement dwelling and associated landscaping** (Pages 31 - 60)
Report of the Assistant Director Planning
6. **22/01117/FUL - Application for continuation of site operations as a petrol station and retail shop, including preparation area for hot and cold food for sale on premises. Alterations to the arrangement for the provision of parking, manoeuvring with turning area. (Amended description, illustrative food items for sale (13.9.2023), amended site layout plan (18.8.2023) and amended highways statement 13.9.2023)** (Pages 61 - 90)
Report of the Assistant Director Planning – Community Development Services
7. **Any other items**
Any other items which the Chair agrees should be considered as a matter of urgency because of special circumstances.
8. **Date of Next Meeting**
To be confirmed

Members are reminded that in order to expedite business at the meeting and enable Officers to adapt their presentations to address areas causing difficulty, they are encouraged to contact Officers prior to the meeting with questions on technical issues in reports.

Agenda Contact Officer:

Lily Hamilton

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Wednesday, 13 December 2023

North Yorkshire Council

Thirsk and Malton Area Constituency Planning Committee

Minutes of the meeting held on Thursday, 16th November, 2023 commencing at 10.00 am.

Councillor Caroline Goodrick in the Chair, plus Councillors Joy Andrews, Alyson Baker, Lindsay Burr MBE, Sam Cross, Nigel Knaption and Malcolm Taylor.

Officers Present: Alpha Love-Koh, Solicitor, Jill Thompson, Service Manager for Planning and Development, Niamh Bonner, Senior Planning Officer, and Lily Hamilton, Democratic Services Officer.

Copies of all documents considered are in the Minute Book

43 Apologies for Absence

Apologies noted (see above).

44 Minutes for the Meeting held on 19 October 2023

The Minutes of the meeting held on Thursday 19 October were confirmed and signed as an accurate record, subject to an amendment to include the voting record in minute 39.

45 Declarations of Interests

Councillor Lindsay Burr MBE declared an interest in respect of Item 5 as the Deputy Mayor of Malton Town Council and therefore did not partake in the debate or vote on this item.

46 22/01117/FUL - Application for continuation of site operations as a petrol station and retail shop, including preparation area for hot and cold food for sale on premises. Alterations to the arrangement for the provision of parking, manoeuvring with turning area. (Amended description, illustrative food items for sale (13.9.2023), amended site layout plan (18.8.2023) and amended highways statement 13.9.2023)

Councillor Goodrick informed the Committee that application 22/01117/FUL had been withdrawn from consideration at this meeting.

47 23/00284/FUL - INSTALLATION OF A PUMP TRACK AT THE PLAY AREA TO BE USED BY ROLLER BLADES AND NON-MOTORISED SCOOTERS AND CYCLES WITH ASSOCIATED FENCING AND THE INSTALLATION OF REPOSITIONED ADULT GYM EQUIPMENT ON BEHALF OF MRS GAIL COOK (MALTON TOWN COUNCIL)

Considered:

The Assistant Director Planning – Community Development Services sought determination of a planning application for installation of a pump track at the play area to be used by roller

blades and non-motorised scooters and cycles with associated fencing and the installation of repositioned adult gym equipment at Play Area, Rainbow Lane, Malton, North Yorkshire.

Councillor Burr MBE spoke as the Deputy Mayor of Malton Town Council.

During Consideration of the above application, the Committee discussed the following issues:

- The size of the pump track.
- The placement of the fence in relation to the pump track.
- The upkeep of the play area.
- The lighting in the play area.

The decision:

That planning permission be granted subject to conditions detailed in the committee report.

Voting record

A vote was taken and the motion was declared unanimously.

48 ZE23/362/2023 - CONFIRMATION OF TREE PRESERVATION ORDER CHESTNUT COTTAGE, BACK LANE, WOMBLETON,

Considered:

Report of the Corporate Director Planning – Community Development Services sought determination of the confirmation of TPO ZE/362/2023 with modifications.

During consideration of the above application, the committee discussed the importance of maintaining trees.

The decision:

That the order be confirmed with modifications as set out in the committee report.

Voting record

A vote was taken and the motion was declared unanimously.

49 Any other items

There were no urgent items of business.

50 Date of Next Meeting

Thursday 21 December 2023 at 10.00am

North Yorkshire Council

Community Development Services

Malton and Thirsk Area Constituency Committee

21 DECEMBER 2023

23/00249/FUL- CHANGE OF USE OF AGRICULTURAL LAND TO A SEASONAL CAMPING SITE TO ALLOW 24NO. TENT AND 6NO. MOTOR HOME PITCHES TO INCLUDE ERECTION OF AN ASSOCIATED TOILET BLOCK ON BEHALF OF MISS LINDA COOPER (R COOPER & SON)

Report of the Assistant Director Planning

1.0 Purpose of the Report

- 1.1 To determine a planning application for the change of use of agricultural land to a seasonal camping site to allow 24no. tent and 6no. motor home pitches to include erection of an associated toilet block on land at Cotril Farm, New Road, Terrington, North Yorkshire YO60 6NT
- 1.2 The application has been referred to the Committee for determination owing to the range of issues raised.

2.0 EXECUTIVE SUMMARY

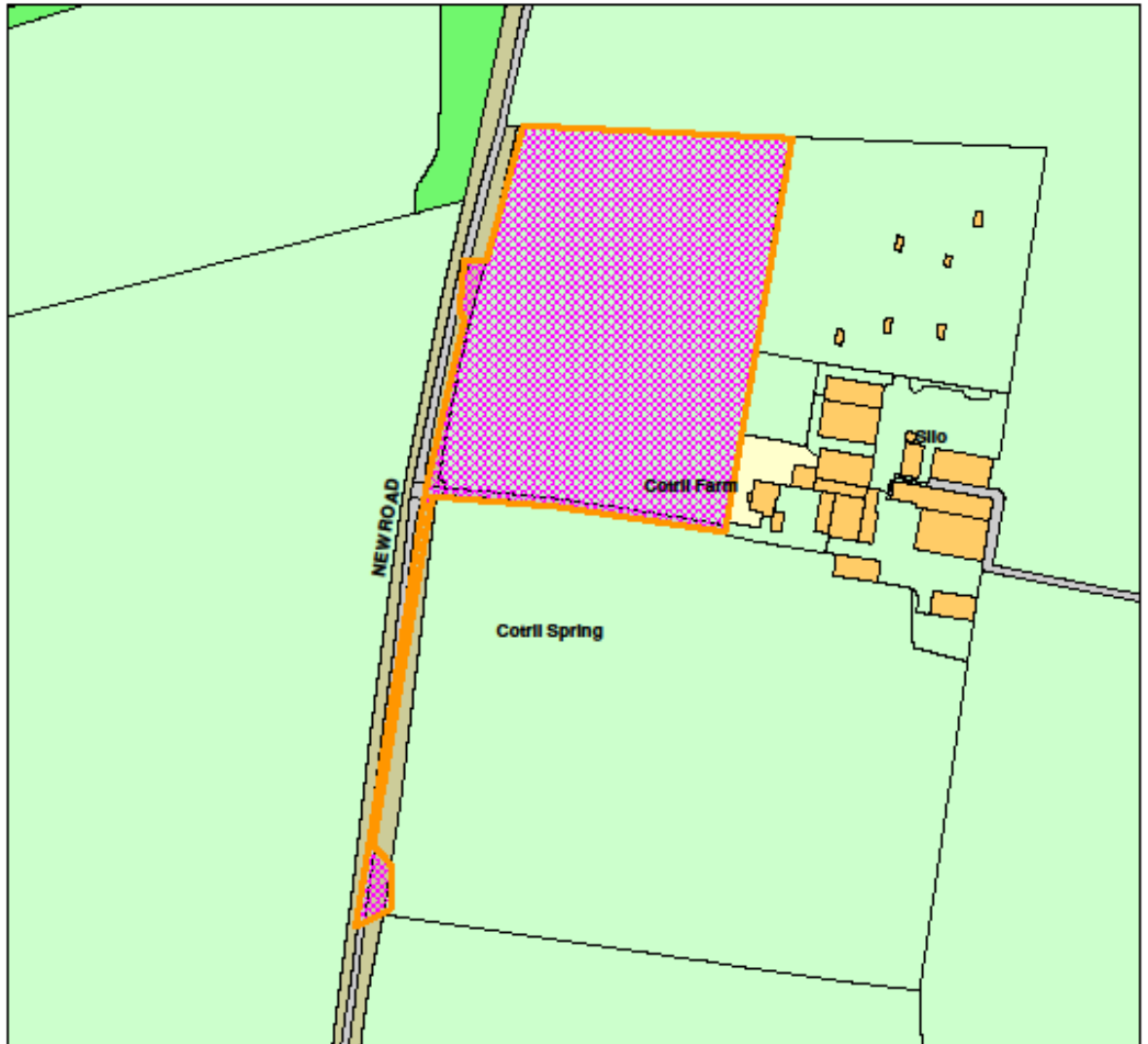
RECOMMENDATION: That planning permission be GRANTED subject to conditions listed below.

- 2.1. The application site relates to a field within the landholding of Cotril Farm. The entire site also falls within the Howardian Hills Area of Outstanding Natural Beauty (AONB.)
- 2.2. The proposal seeks planning permission for the change of use of agricultural land to a seasonal camping site to allow 24no. tent and 6no. motor home pitches to include erection of an associated toilet block for seasonal use between 1st May and 31st October annually.
- 2.3. This amended scheme incorporates a reduced red line area, together with a noise and amenity management plan, landscaping scheme and the inclusion of 2no. passing places.
- 2.4. The principle of the development is considered to align with the following policies contained within the Ryedale Plan; Policy SP1 (General Location of Development and Settlement Hierarchy) SP8 (Tourism) and SP9 (The Land Based and Rural Economy.)

- 2.5. The scheme has been also carefully considered in relation to the setting of the the potential impact upon the Howardian Hills AONB, the form and character of the site, ecology, neighbouring amenity, access and highway safety in line with Policies SP13 (Landscapes) SP16 (Design) and SP20 (Generic Development Management Issues.)
- 2.6. It is considered that the proposal as amended secures an acceptable scheme, limited to 6no. motor home pitches and 24no. camping pitches, to be utilised for up to 6 months annually. This is on the basis of the additional landscaping scheme and operating restrictions including the proposed annual opening period, together with what would be achievable under permitted development and the removal of tourism related permitted development rights from the wider site. It is considered on balance that this would not harmfully impact the significance and special value of the Howardian Hills AONB or the character of the paddock and could be delivered without harm to the local highway network and ecology.
- 2.7. The scheme, subject to the conditioning of the Noise and Amenity Management Plan is not considered likely to result in material adverse amenity impacts for occupiers of neighbouring residential dwellings.

23/00249/FUL

Not Set



Scale: 12,500

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Organisation	North Yorkshire Council
Department	Development Management
Comments	Not Set
Date	12/12/2023
MSA Number	Not Set

- 3.1. Access to the case file on Public Access can be found here:-
<https://planningregister.ryedale.gov.uk/caonlineapplications/simpleSearchResults.do?action=firstPage>
- 3.2. There are 4 relevant planning applications for this site which are detailed below, as this relates only to the public house, the associated listed building consents have not been detailed.
- 22/00514/FUL: Change of use of agricultural land to a camping site for caravans and tents to include siting of 6no. temporary toilet blocks and 6no. electrical hook up points to service 12no. pitches. Withdrawn.

4.0 Site and Surroundings

- 4.1. The application site relates to an agricultural field under the ownership of the Applicant who farms Cotril Farm, Terrington. Vehicular access to the site is taken directly from New Road, Terrington, along a predominately single track access. This also serves other residential properties and farm land.
- 4.2. The agricultural field spans c160m from north to south and c125m from east to west. During the consideration of this application, the precise red line indicating the extent of the application site within the field has been significantly reduced. This now relates to a 'U' Shaped area along the western, southern and eastern field boundaries, with the remaining land within the field falling under the blue line.
- 4.3. The application site is now limited to an area in closer proximity to the farmhouse and domestic curtilage of Cotril Farm, which directly adjoins the application site to the east, the remainder of the eastern boundary is a fenced, but unlandscaped field boundary, beyond which other agricultural buildings are located. The application site also incorporates significant established landscaping to the western boundary and a fenced but unlandscaped field boundary to the north and south, (beyond which further agricultural land is located.) Directly to the south of the application site, a public footpath is located along the farm driveway which traverses directly past the application site field and bisects the farm yard. A network of other public rights of way/bridleways are present in the locality, including one taken from Terrington Hall School, c540m to the south east, running northwards, which remains at a distance of c250m from the application site to the west at its nearest point. A bridleway runs from the west of the application northwards along New Lane, to Rose Cottage Farm c275m to the north of the application site, where it splits to become a bridleway and public right of way.
- 4.4. The application site itself is located at a lower point topographically in the context of the surrounding landscapes. The land rises significantly to the north and south of the site at two extremes of New Lane, with the application site forming one of the lower points in the valley.

- 4.5. The entire site also falls within the Howardian Hills Area of Outstanding Natural Beauty (AONB) and land designated as 'Wider Open Countryside' under the Ryedale Plan, Local Plan Strategy.

5.0 Description of Proposal

- 5.1. This application seeks full planning permission for the change of use of agricultural land to a seasonal camping site to allow 24no. tent and 6no. motor home pitches to include erection of an associated toilet block. As noted, this would be operated for a seasonal period only, between the 1st May and 31st October annually.
- 5.2. The 6no. proposed motor home pitches would be located along the western boundary of the site, behind a large well established hedgerow. The original location for the proposed camping was to the western and northern boundary of the site. Upon request, the red line of the application site was amended and reduced from the entire field, to a more limited 'U' shaped area along the western, southern and eastern boundaries. The location for the proposed tented camping is now along the southern section of the eastern boundary (in closer proximity to the existing build form of the farm houses and farm yard) and the southern boundary.
- 5.3. It is noted that neither the motorhome pitches, nor the camping pitches would include any hardstanding and the use would be undertaken on the existing grassed surfacing only.
- 5.4. The Applicant has operated the camp site for three years under a mix of the 28/56 day permitted development rules, for the siting of tents and motorhomes. The Design and Access Statement notes *"The scheme was very successful and provided the farm with a much-needed diversified source of revenue."* It further notes *"In lieu of this application the applicants will continue to operate the site under the 28 day ruling."* It is noted that in the interim, whilst this application has been considered, further permitted development rights for tented and motorhome camping have been provided by the government on the 26th July 2023 under Schedule 2, Part 4, Class BC of the Town and Country Planning Act (General Permitted Development) (England) Order 2015 as amended. This newly introduced rights permits farmers/landowners to run pop up sites for tents, campervans and motorhomes for up to 60 days per year without planning permission, allowing for up to 50 pitches. This permitted development right is available in an Area of Outstanding Natural Beauty and would not require any specific requirements to improve highway safety, nor provide new planting, or operate within the parameters of a Noise and Amenity Management Plan.
- 5.5. The amended scheme now relates to the 6no. motorhome units being located to the western boundary and the tented camping units within a more confined to the south and east. The scheme included a detailed landscaping plan, to plant up the northern field boundary and approximately a third of the western boundary and a half of the eastern boundary to reduce to the overall openness of the site. This would include a double planted native hedgerow spanning c235 metres in total, with native species trees (Rowan and Downy Beech) every 5 metres, relating to in the region of c.45 additional trees to be planted.

- 5.6. As detailed within the incoming information, the proposed lighting scheme involves *“No mains powered external lighting shall be installed on the site without prior approval from the Local Authority. The Applicant will implement low level solar pathway lighting as a necessary safety measure for guests. Guests shall then be encouraged to use their own torches where necessary. This will ensure there would be no wider light pollution within the locality.”* The Agent has further clarified that the proposed solar powered lights would be a maximum of 6, positioned at each of the motorhome pitches only.
- 5.7. An additional element of the scheme is the provision of a toilet block. This relates to a wooden unit, spanning 9m x 1.5m, with a monopitch roof, with a maximum height of 2.3m. This would be clad with Yorkshire Boarding to 3 walls and roof, with an open-sided front element to house portable toilet units.

6.0 Planning Policy and Guidance

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:
The Ryedale Plan – Local Plan Strategy, adopted 2013

Guidance - Material Considerations

- 6.3. Relevant guidance for this application is:
- National Planning Policy Framework 2021
 - National Planning Practice Guidance

7.0 Consultation Responses

- 7.1. The following consultation responses have been received, with the most recent summarised below. Full comments are available to view on the Council’s website.
- 7.2. **Parish Council:** No objection to three consultation phases (6th April 2023, 26th JHuly 2023, 5th October 2023.)
- 7.3. **Environmental Health:** No objection
- 7.4. **Housing:** No objection – Requests informative for Applicant to contact the Council as a caravan site licence may be necessary.
- 7.5. **Howardian Hills AONB Manager:** Some concerns, comments and recommendations (this response is outlined below in full.)
- 7.6. **Local Highway Authority:** No objection, recommend condition to secure 2no. passing places.

Local Representations

- 7.7. 33 local representations have been received in total to the original scheme including 15 letters of objection from individuals and the Countryside Charity CPRE, together with 10 letters of support on the original scheme. Following the full readvertisement of the amended scheme on 10th July 2023 (due to the repositioning of the units, reduced red line, additional landscaping and the Noise Management Plan) all consultees and third parties who had made representations and the Countryside Charity (CPRE) were reconsulted. The Countryside Charity did not make any further comment or take the opportunity to specifically reaffirm their original objection. 8 additional letters of objection were received confirming the scheme did not address their original concerns.
- 7.8. 10 letters of support have been received noting the following
- Will help other local businesses including the local shop, church and tourism attractions, supporting the rural economy and will provide additional income for the surrounding area particularly important post covid and during recent financial constrictions. Should the pub get running, the campsite would be a good source of income. The seasonal boost to local businesses is vital to ensure they are able to survive the winter season.
 - The seasonal use of land will have minimal environmental impact and is preferable to large housing benefits.
 - Farming families have supported our villages in countless ways over the generations and when they need to find other ways of earning because consumers refuse to pay realistic prices for food and meat, they should be supported and applauded.
 - This will be an asset to the area, given lack of accommodation within the area.
 - Feedback on google was very positive, good advertisement for Terrington.
 - Won't be obtrusive, impact upon the scenery greatly, nor affect the community by way of noise.
 - Currently there is little low cost holiday accommodation and provides opportunities for visitors of all budgets to enjoy the AONB which should be encouraged.
 - Will support farm diversification, we should encourage and support our local farming community. This is a sensible and prudent diversification strategy. Using a small section of their arable land will allow them to offer sustainability for their farm.
 - Great place for a campsite
 - Support this scheme.
 - Note withdrawal of the Basic Payment Scheme, it is important that farmers are encouraged and helped to diversify. This is exactly the type of project that should be supported
- 7.9. Objections (received between 29th March and 27th April 2023 in respect of the original scheme)
- The access is inadequate to cope with the traffic increase. Would be a substantial increase in traffic on a 4 way bend at the junction from the Main Street in Terrington, with poor visibility creating hazardous conditions, there is not the capacity including for large motor homes or camping trailers. The first 200m regularly becomes muddy and slippery due to erosion.

- New Lane is single track 'no through road' which is steep, with no passing places and does not have capacity for heavy traffic, or number of cars to service the tents on the site.
- New Lane has no footpath nor lighting. Neighbours consider the walk to the village school as too dangerous for their children and there are conflicts with agricultural vehicles, horse risers, walkers and children already.
- There are 8 dwellings on New Lane, this applicant is proposing to increase the number effectively by 30, this would mean a commensurate increase in vehicle movements by 400% +. Visitors to the site would primarily drive to the village as there is no public transport.
- Passing places may become temporary parking spaces.
- Highways objected to the previous withdrawn scheme.
- No Transport Impact Assessment has been submitted and assumptions made. (Case Officer note: A TIA was not requested by the Highway Authority.)
- Note the singular proposed passing place not justified as sufficient. (Case Officer note: this was subsequently increased to 2 passing places.)
- The area is already well served with caravan and campsites nearby.
- The Applicant lives miles away and will not be affected.
- Proposed hedging on the west and north of the campsite is not enough to hide the caravans and toilet block and shield them from view. More trees and other screening would be required to blend into the local landscape. It would take years for screening to mature.
- New scheme has reduced the amount of pitches, but still priced a lot of extra cars. Number of vehicle movements appear unrealistically low.
- Residents have paid a premium to live in an AONB, this would detract not enhance the area.
- Site is at the bottom of a wide open valley, with few screening trees, so will be highly visible. Not compatible with the nature of the site and would have a widespread detrimental impact, it wouldn't positively contribute to the AONB and would be at odds with the AONB principles.
- High degree of visibility for public right of way users, even if planting were installed, would not mitigate the effect. It would impact upon the tranquillity and visual quality of the AONB.
- The previous seasons have shown there has been littering, noise pollution, rowdy behaviour and light pollution.
- The AONB Management plan, which is a material consideration affirms that high levels of tranquillity should be maintained and increases in noise and light pollution be resisted.
- A neighbouring resident has experienced security issues due to increased footfall and persons straying from dedicated public rights of way.
- Concerns over the site area/red line for the number of pitches, could have far greater physical capacity. (Case Officer note: this red line has since been significantly reduced.)
- Consistently in decision making (from occupier of neighbouring property at Rose Cottage Farm) they secured planning permission for a Romani Wagon and Bell Tent, with associated development in adjoining paddock. This scheme required careful consideration to colour finishes, sensitive location of parking, new landscaping and as such, the application process with the LPA was detailed. In the currently proposed scheme the converse is proposed. The client would expect the same degree of detailed assessment. (Case Officer note: the same degree of detailed assessment has been undertaken for this site as it was for this referenced application, for which the same Case Officer was responsible.)

- No business plan has been submitted to support the need for this development, occupancy rates etc, bearing in mind the existing saturation of camping in the area. (Case Officer note: this is not something typically requested for a development such as this. to do so would not be consistent with how this type of application is typically assessed as new camping sites are supported in principle.)
- No management plan has been submitted (Case Officer note: this has been subsequently submitted.)
- Note complaints in reviews online noting other campers being rowdy until 3.45am, they had no mobile signal and were unable to contact the site owners to alert them or complains.
- Nearest pubs and bars are in Sheriff Hutton and Welburn, unsure if a curfew is enforceable or acceptable to campers. (Case Officer note: As discussed in the report, the wording of the Noise and Amenity Management Plan has been updated to reflect that journeys will be discouraged after 9pm.)
- Concern over future increased in site capacity.
- Design and Access Statement lacks site assessment in planning policy and related terms, in terms of the NPPF, AONB Management Plan and Ryedale Plan, Local Plan Strategy. There is no Landscape and Visual Impact Assessment (LVIA.)

7.10. Objections (received between 17th July and 28th August 2023 in respect of the amended scheme)

- Amendments do not alter the substance/materiality of scheme or improve. Continue to object, previous objection still relevant, scheme is still unsuitable in an AONB.
- Hedging would make no difference to the visibility of the site which sits at the bottom of the valley and can be seen from every vantage point. The amended site is at a higher point in the field, would be more visible and the proposed landscaping would not act as a screen.
- Note that the hedging falls within the blue line land, question this. (Case Officer note: This is not an issue and the hedging in the blue line land can be conditioned.)
- Note that the red line boundary encompasses land which is not within the ownership of the applicants and over which there are no rights for accessing the development. This brings into doubt the deliverability of the proposal. (Case Officer note: The agent has confirmed that the red line of the main section of the site is in their ownership entirely. The two no. passing places are on highways land, but highways are content that notice has been served and this would also be controlled by a separate licencing process.)
- The proposed site should use the access from the property's drive, why still use the entrance from a shared road in a poor state of repair.
- A 9pm bar on access is unrealistic, would prove to be unenforceable and could spoil the experience for a guest.
- As per social media, a previous guest tried to contact owners to report noise but had signal issues. Will people comply with a 9pm curfew when the applicant doesn't live on site.
- There should be an inclusion in the Noise and Amenity Management Plan to keep away from the Private Lake Area.
- Hoping to gain dark sky status, but extra lights could be detrimental/
- Considerable number of other campsites in the locality.

- If permission was granted, would like to understand how signage to the site would work.
- Two passing places are proposed, one has already started. In accordance with the highways regulations it is an offence to do so without the correct permission.
- Concerns about the extra traffic. Passing places are likely to be used for walkers to part their vehicles in. Several cars park on the grass verges already. Speed is an issue and concerns for pedestrian safety. Visibility at the junction is impaired and can be difficult to negotiate especially for towing vehicles and larger transport types.

8.0 Environment Impact Assessment (EIA)

- 8.1. The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

9.0 Main Issues

- 9.1. The key considerations in the assessment of this application are:

- Principle of development
- Form, Character and Impact upon the AONB.
- Access, Highway Safety and Parking
- Noise, Amenity and Lighting
- Other Matters

10.0 ASSESSMENT

Principle of Development

- 10.1. Policy SP1 (General Location of Development and Settlement Hierarchy) notes that in all other villages, hamlets and in the open countryside development will be restricted to *that 'which is necessary to support a sustainable, vibrant and healthy rural economy and communities.'*
- 10.2. Within the adopted Ryedale Plan, Local Plan Strategy, land outside Development limits is identified as 'Wider Open Countryside.' Policy SP8 Tourism supports the principle of new camping sites in the Wider Open Countryside where they can be *"accommodated without an unacceptable visual intrusion and impact upon the character of the locality."*
- 10.3. The potential effect of this proposal on the character of the locality will be considered in the relevant sections below. Policy SP8 also acknowledges the potential benefits that well designed tourism facilities can make to the economic wellbeing of the area
- 10.4. The National Planning Policy Framework notes in Paragraph 84(c) that planning policies and decisions should enable *"sustainable rural tourism and leisure developments which respect the character of the countryside."*

- 10.5. The scheme for the proposed camp site is therefore is considered acceptable in principle. As this relates to camping, the standard holiday conditions for new unserviced holiday accommodation (ie. cottages, caravan parks, log cabins/chalets are not appropriate. However, a condition to ensure the operational season is restricted to between 1st May and 31st October annually will be recommended together with a condition to prevent touring or static caravans. A further condition to tie the campsite ownership to Cotril Farm will also be recommended to ensure appropriate control/an on-site management presence is secured in perpetuity. The Planning Agent has confirmed that the Applicant's parents reside on the farm and will be available to act as site managers on evenings and weekends.
- 10.6. It is also considered that the scheme aligns with the requirements of Policy SP9 (The Land Based and Rural Economy.) This notes support for *“appropriate farm and rural diversification activity, including innovative approaches.”* The supporting statement confirms that *“The applicants are seeking to diversify their existing operations to offer the rural business an additional source on income which is essential given the relatively unstable economic climate surrounding the agricultural sector. The Government is actively encouraging farmers to diversify wherever possible.”*
- 10.7. It is therefore considered that subject to full consideration of the other sections below this proposal for a modestly scaled tourism site and other associated development in this location is broadly acceptable in principle and in accordance with Policies SP1, SP8 and SP9 of the Ryedale Plan, Local Plan Strategy and the NPPF. It is however noted, that whilst the LPA would not prejudice a future application, it is unlikely that the further expansion of this site for holiday purposes would be supported.
- 10.8. The fall-back position outlined above given the extended 60 day period for tented camping/motorhome camping as confirmed within Schedule 2 Part 4, Class BC of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended is also noted. As noted, this would allow for up to 50 pitches to be operated for 60 days annually without any specific planning bases restriction, in such a location as the application site, with no controls or conditions, such as passing places, noise and amenity management plans or landscaping schemes. Officers consider that significant weight should be attributed to this fall-back position within the consideration of this scheme.

Form, Character and Impact upon the AONB.

- 10.9. Policy SP13 Landscapes of the Ryedale Plan, Local Plan Strategy notes *“The quality, character and value of Ryedale’s diverse landscapes will be protected and enhanced by ... Protecting the special qualities, scenic and natural beauty of the Howardian Hills Area of Outstanding Natural Beauty (and) the setting of the Area of Outstanding Natural Beauty.”* It also notes: *“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 including:*
- *The distribution and form of settlements and buildings in their landscape setting*
 - *The character of individual settlements, including building styles and materials*

- *The pattern and presence of distinctive landscape features and natural elements (including field boundaries, woodland, habitat types, landforms, topography and watercourses)*
- *Visually sensitive skylines, hill and valley sides*
- *The ambience of the area, including nocturnal character, level and type of activity and tranquillity, sense of enclosure/exposure*

10.10. The NPPF notes in Paragraph 176 that “*Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.*”

10.11. SP16 Design of the Ryedale Plan, Local Plan Strategy notes: “*Development proposals will be expected to create high quality durable places that are accessible, well integrated with their surroundings and which “Reinforce local distinctiveness and... Protect amenity and promote well-being.”*

To reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings including:

- *The character and appearance of open space and green spaces*
- *Views, vistas and skylines*
- *Appropriate materials, quality and type of building techniques and elements of architectural detail.*
- *Topography and landforms that shape the form and structure of settlements in the landscape*

10.12. Policy SP20: Generic Development Management Issues of the Ryedale Plan, Local Plan Strategy notes:

- *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*

10.13. The site is located within the open countryside, and as noted, within the Howardian Hills Area of Outstanding Natural Beauty (AONB.) The consultation response from the AONB Officer on the original scheme is available to view on the planning file. This was received on the 27th October 2023, on the basis of the amended scheme only. This noted the following:

“I am responding to planning application 23/00249/FUL for change of use of agricultural land to a seasonal camping site to allow 24no. tent and 6no. motor home pitches to include erection of an associated toilet block at Cotril Farm, New Road, Terrington, North Yorkshire YO60 6NT. I am responding in accordance with the role of the Howardian Hills AONB Partnership to support our relevant local authority in

ensuring that they deliver their statutory duties related to conserving and enhancing the natural beauty of the AONB.

I note that this application has revisions compared to planning application 23/00249/FUL which was for change of use of agricultural land to a seasonal camping site to allow a 60 pitch caravan, motor home and camping site (or for a total of 45 pitches as stated in the applicant's letter of 29/09/22), with the most notable changes being:

- A reduction in total number of pitches, from a total of 60 (or 45) to a total of 30 (24 tents and 6 pitches with electrical hook up points for motorhomes).*
- A focus on tents and motorhomes, not caravans.*
- A better definition of the position of the tents and motorhome pitches, now located near to the existing farm buildings.*
- Inclusion of a plan of intended hedge planting.*
- Inclusion of a Noise and Amenity Management Plan which makes commitments to no wider light pollution in the locality, strict noise control and restriction of vehicle movements after 9pm.*
- Replacement of plastic portaloos with a more suitable wooden structure.*
- A clear statement of period of usage (1 May to 31 October).*

I welcome these revisions and appreciate that the applicant has noted and responded to comments made on to their earlier application, 23/00249/FUL.

I suggest that the nature, scale and setting of this proposed development means it still has potential for significant adverse impact on a number of the special qualities of the Howardian Hills AONB, namely tranquillity, a landscape of high visual quality and a rich and varied landscape. Thus, NPPF paragraph 177 could still apply, stating that for AONBs 'planning permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.'

Likewise, the size of the proposed site constitutes a risk of negative impact on the tranquillity of the surrounding landscape within the Howardian Hills AONB, including the AONB village of Terrington and other rural dwellings in close proximity to the proposed site.

The access to the site is through the AONB, the village of Terrington and then down a single track road, with addition of passing places. The increase in traffic resulting from the scale of the proposed application will have a negative impact, though removal of caravans from the application has reduced this impact. The passing places, whilst aiding traffic flow, will add an urban character to this country lane.

The site is an open field at the bottom of a valley and is very visible from the surrounding higher land, dwellings and Public Rights of Way. The application now includes a plan indicating planting round the boundaries of the northern field edges, and, though this planting is at a distance to the site and is unlikely to affect the visual impact of the proposed site, it is a welcome addition to the existing field hedging and the wider local environment.

There is a well-used bridleway and other Public Rights of Way adjacent to the site and in the wider area and, though no LVIA has been provided, the enjoyment of this public amenity is likely to be affected by the proposed site.

Though the applicant states an intention to restrict vehicle movements in the evening, this is likely to be hard to enforce as the local village does not have evening facilities such as a public house or restaurant so guests are likely to want to drive further afield, leading to light and noise pollution.

Thus, I continue to have some concerns, primarily related to the size of the site and its effect on the tranquillity of this small lane.

During a site visit, an informal discussion with a member of the applicant family indicated that the site, which has been operating under permitted development, has had a far lower level of use than indicated in this application. I suggest that the applicant may consider if a further reduction in number of pitches is feasible, selected to match their experience of actual usage.

If the application is granted, at the current size or at a reduced number of pitches, I suggest the following conditions:

- No caravans allowed.*
- Location of the site near to the existing farm buildings, as shown on the new site plan.*
- Hedge planting to be completed as defined in the new plan.*
- A requirement for enhancements to biodiversity (for example provision of bat and bird boxes).*
- No wider light pollution in the locality, as stated in the Noise and Amenity Management Plan.*
- Strict noise control, as stated in the Noise and Amenity Management Plan.*
- Restriction of vehicle movements after 9pm.*
- Replacement of plastic portaloos with a more suitable wooden structure.*
- A restricted period of usage to run from 1 May to 31 October.”*

10.14. The points made by the AONB Manager are fully noted and have been reviewed carefully. Officers feel it must be clarified that in our view this does not relate to major development in the AONB for the purposes of Paragraph 177 of the NPPF.

10.15. The proposed scheme relates to a development that requires very limited permanent operational development, beyond a sensitively located Yorkshire boarded toilet shed. There would be no hardstanding in the field and only 6 low level solar powered lights utilised. The 2 no. passing places would create extensions to the existing access road and could be undertaken without specific planning permission, rather by the submission of an application to the Local Highway Authority. The critical aspect for consideration therefore relates more to the proposed use of the field for the tented camping (24no. pitches) and motorhome use (limited to 6no.pitches, orientated closely beside existing mature hedgerow to the west.)

- 10.16. As part of the detailed negotiations on this scheme the location of the proposed tented camping pitches have been moved further southwards. It has been raised in the incoming responses that this is in a more prominent location than the previous position to the north, however it is considered that this has a much stronger visual link with the existing built development of the original farmhouse and farmyard, preventing the proposed use appearing sporadic in the wider landscape. The proposed landscaping to the western, northern and eastern boundaries represents a significant investment by the Applicant and this can only realistically be positioned at the field boundaries, as this agricultural field will remain in place for grazing/farming for the remainder of the year between November and April. This landscaping may not secure the obscuration of the camping units, but when on new lane at certain points will better screen the site, including from the most closely adjoining property to the north, Sawmill Cottage and other lower points, which is considered beneficial, whilst also improving biodiversity on the site, a point recognised by the AONB Manager.
- 10.17. Views of this site will be perceptible from certain parts of the nearby public right of way network. The closest public right of way is that immediately to the south of the site, however, given this bisects a working farmyard, there is undoubtedly a sense of existing activity from this view point already. No views are possible from the public right of way to the east/south east from Terrington Hall School northwards. At the very northern extent of this PROW, some views may be possible, but the movement of the units to a more southerly point ensures this would appear less sporadic and the proposed landscaping will assist in this matter.
- 10.18. Views from New Road will be gained at certain points, including from the south, although existing field landscaping will soften this. Views from the lower part of New Road to the west and north west of the site will be limited due to the existing strong landscaping present and in time, the proposed landscaping to the north and west of the site will create further improvements. Views from the public right of way to the north west, as it climbs New Road and the path adjacent to this to the west of Rose Cottage Farm will be possible at points, providing clear but more distant views of the campsite. More views will be perceptible from the public footpath to the north of Rose Cottage Farm, however again, this will relate to distance views and will demonstrate the level of activity associated with the use of the site in the active season, rather than a permanent physical change to the application site.
- 10.19. Due to the positioning of the field, as noted, some views of the proposed camp site will be inevitable, even with the proposed landscaping. However, given the new positioning, this will be orientated directly beside the built form of the dwelling house and existing farm yard. Officers are seeking to strike a balance, in terms of the wider benefits of the scheme including diversification of a farming business, the tourism benefits and trickle down benefits to local businesses, with the impact upon the character and appearance of the locality, including the serious consideration of any scheme such as this upon a nationally important Area of Outstanding Natural Beauty.
- 10.20. It is considered that a key factor in the consideration of this scheme is the limitation to camping between May to October. Although 24 camping pitches and 6 motorhome pitches are proposed, it is unlikely that these will be full to capacity with the exception of perhaps the school summer holiday. A further important factor relates to the fall-back

permitted development position outlined above. This is the possibility that the Applicant could run this campsite with up to 50 pitches for 60 days annually for a mix of motorhomes, campervans or tented camping without any requirement for planning permission. If this were enacted, logically this would most likely occur in the busier summer season and could potential allow for up to 50 units at any one time, which could have a more significant impact in terms of traffic issues and the visual prominence of the site. By accepting this planning proposal, albeit for a longer period of the year, this would secure and enforce an upper limit of 30 total units, of which only 6 could be motorhomes. The Agent has agreed that should this be permitted, they would be content to accept a condition to prevent within the blue line land, any camping to be undertaken under permitted development rights. The LPA also has the ability to secure the delivery of the passing places, condition accordance with the Noise and Amenity Management Plan and secure the significant level of additional landscaping.

- 10.21. Similarly, whilst Policy SP13 notes the requirement for tranquillity and nocturnal ambience in the wider open countryside, this site is directly adjoined by a working farmyard and the nature of what could occur under permitted development rights is noted. Policy SP8 also recognises the important contribution that tourism makes to the economy within the District.
- 10.22. It is further noted, that whilst the AONB Manager considers that the passing places may have an urbanising effect, their inclusion is considered very beneficial in terms of the access and highway safety to and from the site. As noted, this could be undertaken without planning permission through an application to the Local Highway Authority, who would not attribute weight to whether or not this was 'urbanising.' It is however also considered that as the passing places will be off an existing made road, they would not appear incongruous from wider views.
- 10.23. The AONB Manager's advice on conditioning no caravans on site is agreed and has been added as a condition as has the proposed seasonal operating months. A condition has also been recommended to require that any further lighting (beyond the 6no. solar powered lights) will require the prior written approval of the local planning authority and these will be removed in the closed season. The landscaping will also be secured by condition. The more suitable wooden clad toilet structure is present which will obscure the loos from public view. The Noise and Amenity Management Plan (NAMP) will also can be conditioned for compliance and this document will be reviewed further in the amenity section.
- 10.24. The point made by the AONB Manager, in relation to securing the delivery bat boxes and bird boxes is noted. A condition to secure ecological enhancements on the site will be recommended, however it is noted that the significant scale of new landscaping will contribute significantly to this.
- 10.25. On balance, it is considered that the whilst the proposed camp site will be undoubtedly be discernible from certain public vantage points, due to the amended positioning of the proposed seasonal camping pitches, the exclusion of caravans from the site, the low key nature of the associated operational development and lighting, as well as the provision of landscaping, it will result in a scheme that can assimilate in this location,

without material permanent irreversible harm to the wider character of the area and the special value of the AONB. This is concluded given the context and location of the existing landscaping and additional landscaping proposed, the proximity to the existing built form of the buildings at Cotril Farm, the sensitive lighting scheme and the seasonal limitation which are elements that would be secured by condition. This is therefore on balance considered to be in accordance with Policies SP13, SP16 and SP20 of the Ryedale Plan, Local Plan Strategy and the requirements of the NPPF.

Access, Highway Safety and Parking

10.26. The Highways Officer noted in a response dated 2th May 2023 *“New road Terrington is extremely narrow and unable to facilitate vehicles passing when travelling in opposite directions. The sites proposals could increase vehicular activity significantly – could we ask the applicants or agent for a travel plan and how they propose vehicles will safely access/ egress the proposed camp site without meeting head-on, on this narrow country road?”*

10.27. Further discussions were undertaken with the Agent and the final approach has been the submission of a plan showing two indicative additional passing places along New Lane.

10.28. The final response from the Highways Officer notes: “In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters:

In principle the Local Highway Authority does not offer objection to the proposed development.

The carriageway leading to the site is single track and although there are some informal sections where traffic can pass when travelling in opposing directions these are within unmade accesses.

The applicant reports a nominal increase in vehicular activity through Monday to Thursday however, the reported vehicular movements between Friday and Sunday shows a significant increase during peak periods. The site is accessed via a narrow road network and would benefit from the installation of 2 no. formalised inter-visible passing places to support the intensification of use. The combined width of the single track road plus passing bay shall be a minimum of 5.5 metres over a length of 10 metres, tapers measuring 5 metres long shall be provided at either end.

The applicant must enter into a section 278 agreement with the Local Highway Authority. A section 278 agreement is a section of the Highways Act 1980 that allows developers to enter into a legal agreement with the council in their capacity as the Local Highway Authority.

The applicants have provided plans scanned by LPA14 September 2023 showing locations for 2 number passing places which the Local Highway Authority consider appropriately positioned to facilitate inter visibility and sections where 2 vehicles travelling in opposing direction can pass safely.” An appropriate condition to secure the delivery of these off site highways works was recommended.

10.29. Subject to the recommended conditions, in terms of transport, parking and highway safety this scheme is considered to meet the requirements contained within Policies

SP16 (Design) and SP20 (General Development Management Issues) contained within the Adopted Local Plan, the Ryedale Plan Local Plan Strategy (2013). It is also considered that the scheme is in compliance with the requirements of the National Planning Policy Framework.

Noise, Amenity and Lighting

10.30. Policy SP20 Generic Development Management Issues of the Ryedale Plan, Local Plan Strategy notes:

- *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. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence*
- *Developers will be expected to apply the highest standards outlined in the World Health Organisation, British Standards and wider international and national standards relating to noise*

10.31. Paragraph 185 of the NPPF notes *“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*
a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”

10.32. The nearest properties to the south, Bonny Rigg and Norwood are located c425m from the nearest part of the proposed camp site. The nearest property to the north of the site, Sawmill Cottage is located at a distance of c150m from the blue line land of the field, but c220m to the north of the nearest part of the amended red line indicating the site location plan.

10.33. The Council’s Environmental Health Officers were consulted in relation to the scheme. In their formal response dated 21st April, they confirmed the following: “ I have considered the application, and have no objections in principle.

However I am concerned that the facilities are not going to be connected to existing drainage system but emptied once a week, this may not be sufficient.

As the number of motorhomes exceeds the number allowed by exempted organisation a public health and caravan site licence may be required, this will specify the number of toilets, showers and wash hand basins etc. Currently caravan licensing is administrated by Housing who would be able to advice on the licensing conditions.”

10.34. The Agent has confirmed that the toilet block will be emptied once a week by a contractor. This has been considered acceptable by the Council's licencing team. Their formal response noted: "I would confirm I have no objections in principle to this application. The previous responses regarding the proposed once-weekly servicing/emptying of the portable toilet units are noted and I have no objections to the proposal. I would also request that if planning permission is granted that an informative is added that the applicant may need to contact the council as a caravan site licence may be required (if they were to exceed the 28 days per annum, which is also noted in the application and subsequent responses)." This will be confirmed by way of an informative. Therefore the point raised by the EHO is considered addressed.

10.35. Whilst no specific concerns were raised by the EHO in terms of neighbouring amenity, it was considered appropriate to seek the submission of a comprehensive Noise and Amenity Management Plan for the site. This document was submitted by the Agent and scanned on the 10th July 2023. This can be read in full on the Planning file but mitigation measures include the following:

- Guests will not be permitted fireworks, dogs off leads if they are likely to disturb other guests, no unauthorised camp fires, use of litter bins, no flags, drones or generators. additional lighting, BBQs, or hot tubs.
- Guests may only pitch their tents in the approved areas of the site
- Guests will be informed that no amplified or non-amplified music is permitted after 9pm, with any music prior to that time be limited to a 'low level' to avoid disturbance for neighbouring residents.
- The Applicant will keep a full record of all lead guest names and associated vehicle registration numbers
- The Applicant will as much as is feasibly possible ensure that there is an on-site management presence (usually within the adjacent property Cotril Farm) when the site is occupied. A 24 hour telephone number will be made available to guests and manned by the site manager.
- Guests will be directed to dispose of all litter/ waste in clearly identified waste bins.
- No mains powered external lighting shall be installed on the site without prior approval from the Local Authority. The Applicant will implement low level solar pathway lighting as a necessary safety measure for guests. Guests shall then be encouraged to use their own torches where necessary.
- No vehicles movements beyond 9pm, unless in the case of an emergency. (The Agent clarified upon this point in an email dated 30th October 2023 *"Realistically the Applicant can only do their utmost to deter patrons from coming to and from the site beyond 9pm, however it would not be reasonable (nor safe) to go as far as to lock the site, remove keys, etc. at 9pm. I would suggest this is akin to every caravan / glamping / camp site in the UK. It will be clearly outlined within the site rules, which will be issued upon booking, that vehicles movements beyond 9pm are strongly discouraged."*)

10.36. The clarifying point about the associated vehicle movements after 9pm is noted. It is not considered that it would be 'reasonable' in terms of the tests of soundness for

planning conditions to prevent all movements after 9pm. However, it is considered that encouraging this would be appropriate. It is noted that with the 2no. additional passing places and the low speeds that people unfamiliar with New Road would hopefully travel at, that there would be limited impacts experienced as a result of some movements post 9pm.

- 10.37. Consequently, the wording relating to the movement past 9pm within the Noise and Amenity Management Plan has been updated for clarity. A condition is recommended for compliance with the Noise and Amenity Management Plan confirming “beyond 9pm vehicle movements are discouraged, unless in the case of an emergency.”
- 10.38. This will be subject to a requirement for its review annually or at the request of the LPA. A further condition to tie the site ownership to Cotril Farm will also be recommended to ensure appropriate amenity and an onsite management presence can be secured in perpetuity.
- 10.39. It is therefore considered that this scheme is acceptable in terms of amenity, in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy and the NPPF.

Other Matters

- 10.40. Limited surface water issues are anticipated given that only the 9m x 1.5m wide toilet block is proposed. The proposed camping pitches will not be treated with any hardstanding.
- 10.41. The scheme will occur in agricultural land that is used for grazing in the remaining 6 months of the year and will result in no permanent physical changes to the field, with the limited exception of the toilet block. It is considered that subject to a condition to secure the landscaping scheme which will result in an ecological enhancement, that this scheme would align with the requirements of Policy SP14 (Biodiversity) of the Ryedale Plan, Local Plan Strategy and the National Planning Policy Framework.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. This application has been recommended for approval as it is considered to meet with the requirements of the Ryedale Plan, Local Plan Strategy and the National Planning Policy Framework.
- 11.2. This proposed scheme, which includes the creation of a campsite in a section of a field to the west of Cotril Farm is considered to be acceptable in principle within this location, which falls within the designated ‘Wider Open Countryside under the Ryedale Plan, Local Plan Strategy.
- 11.3. Subject to the amendments made and the relevant recommended conditions, it is considered to align with the requirements of the following policies within the Ryedale Plan, Local Plan Strategy: Policy SP1 (General Location of Development and

Settlement Hierarchy) Policy SP8 (Tourism) Policy SP13 (Landscapes) SP14 (Biodiversity) SP16 (Design) SP17 (Managing Air, Land and Water Resources) SP20 (Generic Development Management Issues and Policy SP21 (Occupancy Restrictions, together with the National Planning Policy Framework (NPPF.)

- 11.4. The scheme, which includes sufficient off road car parking spaces and the provision of 2 additional passing places along New Lane (to be secured by condition) is considered acceptable in terms of access and highway safety by the Case Officer and the Highways Officer.
- 11.5. The application is also considered to be suitable in terms of ecology, drainage and landscaping subject to the relevant conditions. On balance, is not considered that this would result in significant adverse effects on the special value of the Howardian Hills Area of Outstanding Natural Beauty. This is due to the realignment of the application site in closer context with the built form of the farmyard and residential dwelling of Cotril Farm, together with the limitation on camping to 6 months of the year, for up to 24 tents and 6 motorhome pitches. It is considered that this proposal for predominantly tented camping would be less visually intrusive than caravans. The site would revert to its original appearance in the remaining 6 months of the year and would be further improved by the proposed landscaping scheme which introduces significant amounts of new hedgerows and trees within the site, together with the management controls secured by the Noise and Amenity Management Plan.
- 11.6. Weight is also given to the outlined, very realistic fall back position available to the Applicant, where a camp site for up to 50 pitches including tents and motorhomes could be operated for up to 60 days without planning permission. This could be undertaken with no improvements in terms of landscaping, passing places or conditioning of a document such as the Noise and Amenity Management Plan. As part of the determination of this application, it has been agreed with the Agent that they would accept a condition that would remove all permitted development rights for camping (tented camping, caravans or motorhomes) within the blue line land. This would afford a better level of control over how the site is operated going forward and would limit any impacts by way of potential cumulative development.
- 11.7. The Environmental Health Officer has reviewed the scheme and raises no concerns in relation to amenity or noise, however notwithstanding this the Agent has provided a Noise and Amenity Management Plan, which will be conditioned to secure a good level of future amenity for surrounding residents. The ownership of the proposed campsite will also be conditioned to remain under the ownership of Cotril Farm and as noted, the Agent has confirmed that this would ensure that family members will be on site on evenings/weekends to fulfil the role of site managers.
- 11.8. Therefore, on balance, this scheme has been carefully considered, with full consideration given to the incoming letters of representation. Improvements and additional management controls sought and agreed. It is acknowledged that this would be undertaken in a very sensitive AONB Landscape, however it is considered that the benefits of the scheme, including the farm diversification benefits and contribution to the local tourism offer with trickle down benefits to local business are

welcomed. Furthermore, the more limited basis on which this would be operated and the limited permanent development are also noted, with no irrevocable permanent changes to the agricultural field proposed, beyond the low key Yorkshire boarded toilet block.

12.0 RECOMMENDATION

12.1 That planning permission be GRANTED subject to conditions listed below

Recommended conditions:

Condition 1 Time Limit

The development hereby permitted shall be begun within three years of the date of this permission.

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

Condition 2 Approved Plans

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

Site Location Plan A1(Including Site Plan Drawing and Passing Places) (Drawing no. LC010223B Rev B)

Elevations A1 (Drawing no. LC020223)

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

Condition 3 – Ownership

The campsite hereby approved shall remain in the same ownership as the property currently known as Cotril Farm, Terrington.

Reason: In the interests of the amenity of existing and future occupiers and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

Condition 4 – Holiday 1

The campsite hereby approved shall only be available to accommodate holidaymakers between 1st May and 31st October annually.

Reason: In the interests of visual amenity in accordance with Policies SP13, SP16 and SP20 and as the application has been based on this assessment

Condition 5 – Holiday 2

No touring or static caravans shall be brought onto the application site for commercial tourism purposes.

Reason: In the interests of visual amenity within this Area of Outstanding Natural Beauty and in the interest of access and highway safety as this scheme has been assessed on the basis of tented camping and motorhomes, to satisfy the requirements of Policies SP13 and SP20 of the Ryedale Plan - Local Plan Strategy.

Condition 6 – PD rights removal

Notwithstanding the provisions of Schedule 2, Part 4 Class B and Class BC, Schedule 2, Part 5, or Schedule 2, Part 12 Class VA of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or amending that Order) permitted development rights for tented camping, the siting of motorhomes or caravans for tourism purposes are henceforth removed.

Reason: To ensure that the appearance of the areas is not prejudiced by the introduction of unacceptable materials and/or structure(s) in compliance with Policy SP20.

Condition 6:

All planting seeding and/or turfing comprised in the landscaping scheme indicated within the Site Plan Drawing (Drawing no. LC010223B Rev B) shall be carried out during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development hereby approved Policy in accordance with Policies SP14, 16 and SP20 of the Ryedale Plan - Local Plan Strategy

Condition 7: Lighting

No external lighting (beyond the 6no. solar powered lights to serve the 6no. motorhome pitches) shall be installed within the application site without the prior written approval of the Local Planning Authority.

Any approved lighting shall be maintained in perpetuity with the approved details unless otherwise approved in writing by the Local Planning Authority.

The 6no. solar powered lights shall be removed from site during the closed season.

Reason: To protect the character of the area in accordance with SP13 and SP20 of the Local Plan Strategy.

Condition 8: Noise – Noise Management Plan

The development hereby approved shall be operated in accordance with the approved Noise and Amenity Management Plan produced by Ian Pick XXX and in conjunction with the email from the Agent dated XXX

This Plan shall be reviewed after a year from the date of this planning permission (or earlier at the request of the Local Planning Authority, following receipt by either the Local Authority or the venue of a verified and justified complaint(s)), to ensure that measures to limit noise and other disturbance are maintained.

Reason: To prevent harm to neighbouring amenity in accordance with Policy SP20 Generic Development Management Issues of the Ryedale Plan, Local Plan Strategy.

Condition 9: Highways

The following schemes of off-site highway mitigation measures must be completed as indicated below:

- INSTALLATION OF 2 NO. FORMAL PASSING PLACES at NEW ROAD, TERRINGTON at locations agreed on 'Revised Location Plan' prior to SITE BEING BROUGHT INTO USE.

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.

Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

Reason: To ensure that the design is appropriate in the interests of the safety and convenience of highway users in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

MHi-A Other Permissions required from the Local Highway Authority

Applicants are reminded that in addition to securing planning permission other permissions may be required from North Yorkshire County Council as Local Highway Authority. These additional permissions can include, but are not limited to: Agreements under Sections 278, 38, and 184 of the Highways Act 1980; Section 38 of the Commons Act 2006, permissions through New Roads and Streetworks Act 1991 and Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended and including all instruments, orders, plans, regulations and directions).

Further information on these matters can be obtained from the Local Highway Authority. Other permissions may also be required from third parties. It is the applicant's responsibility to ensure all necessary permissions are in place.

MHi-F Delivery of off-site highway works –(MHC07)

Notwithstanding any valid planning permission for works to amend the existing highway, there must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and North Yorkshire Council as the Local Highway Authority. To carry out works within the highway without a formal Agreement in place is an offence. No unit must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Condition 10: Ecology

Prior to the application site being brought into use within the next season, a scheme to secure for ecological improvements/biodiversity net gain within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be brought into use within a 3 month period unless otherwise agreed with the Local Planning Authority.

Reason: to secure ecological enhancements within the application site, in accordance with Policy SP14 of the Ryedale Plan, Local Plan Strategy.

Informatives

- 1:
- i) There is a Public Right of Way or a 'claimed' Public Right of Way within or adjoining the application site boundary – please see the attached plan.
 - ii) If the proposed development will physically affect the Public Right of Way **permanently** in any way an application to the Local Planning Authority for a Public Path Order/Diversion Order will need to be made under S.257 of the Town and Country Planning Act 1990 as soon as possible. Please contact the Local Planning Authority for a Public Path Order application form.
 - iii) If the proposed development will physically affect a Public Right of Way **temporarily** during the period of development works only, an application to the Highway Authority (North Yorkshire County Council) for a Temporary Closure Order is required. Please contact the County Council or visit their website for an application form.
 - iv) The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as an alternative route has been provided by either a temporary or permanent Order.
 - v) It is an offence to obstruct a Public Right of Way and enforcement action can be taken by the Highway Authority to remove any obstruction.
 - vi) If there is a "claimed" Public Right of Way within or adjoining the application site boundary, the route is the subject of a formal application and should be regarded in the same way as a Public Right of Way until such time as the application is resolved.
 - vii) Where public access is to be retained during the development period, it shall be kept free from obstruction and all persons working on the development site must be made aware that a Public Right of Way exists, and must have regard for the safety of Public Rights of Way users at all times.

Applicants should contact the County Council's Countryside Access Service at County Hall, Northallerton via CATO@northyorks.gov.uk to obtain up-to-date information regarding the exact route of the way and to discuss any initial proposals for altering the route.

- 2: It is noted the Developer should contact the Council's Housing Team to ascertain if a Caravan Site Licence will be necessary.

Target Determination Date: 22nd December 2023

Case Officer: Niamh Bonner, niamh.bonner@northyorks.gov.uk

Appendix A – Proposed Layout Plan

North Yorkshire Council

Community Development Services

Malton and Thirsk Area Constituency Committee

21 DECEMBER 2023

ZE23/00416/FUL- ERECTION OF REPLACEMENT DWELLING AND ASSOCIATED LANDSCAPING ON BEHALF OF MR M GIBSON

Report of the Assistant Director Planning

1.0 Purpose of the Report

- 1.1 To determine a planning application for the erection of replacement dwelling and associated landscaping at Middleton House, Finkle Street, Sheriff Hutton, North Yorkshire, YO60 6RD
- 1.2 The application has been referred to the Committee for determination owing to the level of public interest and demolition of a building considered to be a non-designated heritage asset.

2.0 EXECUTIVE SUMMARY

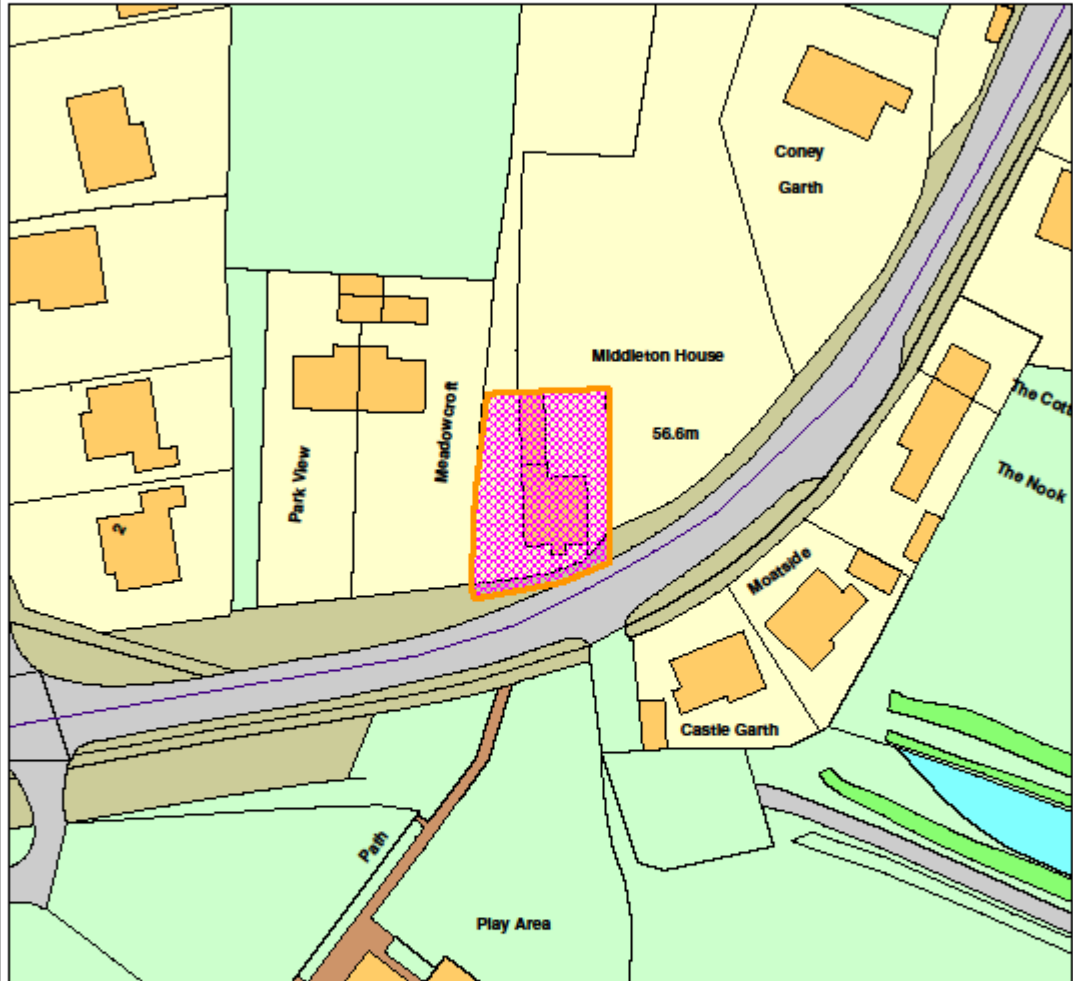
RECOMMENDATION: That planning permission be GRANTED subject to conditions listed below.

- 2.1. The application site relates to Middleton House, Finkle Street, Sheriff Hutton together with its domestic curtilage.
- 2.2. This site does not lie within the Village Conservation Area, nor a Visually Important Undeveloped Area (VIUA). The Village Conservation Area boundary runs to the rear of the properties to the south of Finkle Street, beyond which the Scheduled Ancient Monument of Sheriff Hutton Castle is located. The site is however located within an Area of Archaeological Importance.
- 2.3. Under 22/00539/FUL planning permission was approved for a larger scheme to include the “erection of rear two storey extension to form additional living space and bedroom along with new entrance door to west elevation with canopy for Middleton House and the erection of 2no. four bedroom dwellings and 1no. five bedroom dwelling with detached garages, parking and landscaping.”
- 2.4. This scheme seeks permission following investigative works for the erection of replacement dwelling and associated landscaping. The works would replicate the plans for the extended Middleton House approved under 22/00539/FUL, albeit with a new build form.
- 2.5. The new vehicular access to the site and wider landscaping approved under 22/00539/FUL would remain as approved.

- 2.6. The principle of the development is considered to align with the following policies contained within the Ryedale Plan; Policy SP1 (General Location of Development and Settlement Hierarchy) and SP2 (Delivery and Distribution of New Housing.)
- 2.7. The scheme has been also carefully considered in relation to the setting of the village Conservation Area, the wider street scene and the impact of the loss of the building considered to form a non-designated heritage asset. The loss of this building is considered regrettable, however the justifications of the current state of repair of the building and the level of work that would be necessary to bring it to an acceptable standard are noted and a balanced decision has been made with full regard given to the historic significance of the original building. Following review of the structural survey submitted by the Applicant, the LPA has also engaged Align Property Partners to undertake an independent assessment, which has recognised the poor state of repair of the present building.
- 2.8. It is considered that the scheme as amended, secures an acceptable form and design, which visually mirrors that of the approved scheme in terms of footprint, materials and detailing. It is acknowledged that the loss of this non designated heritage asset is regrettable, however the supporting information within the structural survey and additional correspondence from the Agent is considered to suitably outline the justification behind this approach. This has also been reviewed independently by Align Property Partners, on behalf of the Council. It is welcomed that the replacement scheme does not seek to replace the dwelling with a significantly altered form or appearance, but seeks to replicate the form of the dwelling as previously approved for extension. This includes a more sensitive principle elevation form, without the replication of the previous unoriginal late 19th Century front extension and the precise form of materials and sensitive design principles have been secured through the submission of a Design Code, which will be conditioned. The scheme is not considered to affect the setting of the Sheriff Hutton Conservation Area.

ZE23/00416/FUL

Not Set



Scale: 1:750

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Organisation	North Yorkshire Council
Department	Development Management
Comments	Not Set
Date	12/12/2023
MSA Number	Not Set

3.1. Access to the case file on Public Access can be found here:-
<https://planningregister.ryedale.gov.uk/caonlineapplications/simpleSearchResults.do?action=firstPage>

3.2. The following is considered the most relevant planning history:

22/00539/FUL: Erection of rear two storey extension to form additional living space and bedroom along with new entrance door to west elevation with canopy for Middleton House and the erection of 2no. four bedroom dwellings and 1no. five bedroom dwelling with detached garages, parking and landscaping. Approved 09.03.2023.

4.0 Site and Surroundings

4.1. The application site relates to Middleton House, a traditional dwelling which formed part of the previous Castle Brewery site.

4.2. Vehicular access to the site is taken directly from Finkle Street, Sheriff Hutton. A planning permission was issued under 22/00539/FUL for works to Middleton House, to include the erection of rear two storey extension to form additional living space and bedroom along with new entrance door to west elevation with canopy. As part of this approval, 3 new build dwellings were approved in the land to the east, together with a new access to serve all the dwellings and wider landscaping. At present, no commencement has been made on this scheme, but the LPA is advised that this is intended to commence shortly.

4.3. The application site is broadly rectangular in form spans c38m from north to south and c19 from east to west at the maximum points. Forward of the principle elevation Middleton House is bounded by a low brick wall to the south. The site is adjoined by a residential property to the west, Meadowcroft, properties beyond Finkle Street to the south and the remainder of the paddock to the north and east.

4.4. This site does not lie within the Village Conservation Area, nor a Visually Important Undeveloped Area (VIUA). The village Conservation Area boundary runs to the rear of the properties to the south of Finkle Street, beyond which the Scheduled Ancient Monument of Sheriff Hutton Castle is located. The site is however located within an Area of Archaeological Importance and is identified within the Historic Environment Register (Reference MNY40352) as part of the former Castle Brewery site.

5.0 Description of Proposal

5.1. This application seeks full planning permission for the Erection of replacement dwelling and associated landscaping

5.2. As noted, previously approval was granted for works to Middleton House to include the erection of a rear two storey extension to form additional living space and bedroom along with new entrance door to west elevation with canopy, together with a detached garage to the north of the site, within what is currently the paddock.

- 5.3. The current replacement dwelling scheme reflects precisely the footprint, form, scale, window position and type of materials approved for use within the approved scheme under 22/00539/FUL identically, albeit within a new build form. Only very limited amendments to the scale of certain windows are proposed, which on the main 'core' section of the dwelling are of a sliding sash appearance.
- 5.4. Upon request, a further plan has been requested to show the scheme in the context of the approved surrounding development under 22/00539/FUL, including landscaping and the position of the proposed detached garage and access road. This has been added to the file.
- 5.5. A design code has been submitted to secure confirmation of detailed design elements. These include the use of UPVc sash windows of the highest quality (specifically without horns and incorporating perpendicular joints) which will be subject to a condition for further details. The proposed brick choice will be subject to a sample panel condition, a suitable proposed brick bonding pattern has been identified for use, the scheme would limit the use of decorative features and include traditional soldier coursed lintels. This design code would also secure the use of single lap clay pantiles and cast iron effect rainwater goods, on rise and fall gutter spikes. This document has been revised a number of times in consultation with the Council's Senior Conservation Officer to secure the highest quality of replacement dwelling. The design code also correlates with the updated elevations, which secure the soldier course, revisions to the chimney detail to ensure it is of a traditional; 'gable end' appearance and addition of stone roof details, including copings and kneelers.

6.0 Planning Policy and Guidance

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:
The Ryedale Plan – Local Plan Strategy, adopted 2013

Guidance - Material Considerations

- 6.3. Relevant guidance for this application is:
- National Planning Policy Framework 2021
 - National Planning Practice Guidance
 - The Planning (Listed Buildings and Conservation Areas) Act 1990.

7.0 Consultation Responses

- 7.1. The following consultation responses have been received, with the most recent summarised below. Full comments are available to view on the Council's website.

- 7.2. **Parish Council:** Objection – full response copied below:

Sheriff Hutton Parish Council OBJECT to planning application ZE23/00416/FUL, on the following grounds:-

- The property is a very old house in a prominent location within the village and is prominent on the local street scene.
- The parish council understand that it is an undesignated heritage asset and would very much wish to see the opinion of the Conservation Officer prior to any decision being made. This is evidenced as per the below:-
- "As referenced on pages 38 and 39 of The Sheriff Hutton Women's Institute Treasury Survey of Sheriff Hutton carried out in 1975 and published in 1977 intensive research confirms the history of the former brewery and brewers house and can date the house to the first half of the 18th Century with the two bays at the front of the house being 20th century additions. To demolish this building would destroy part of Sheriff Hutton's heritage - please see attached a copy of this document.
- Major concerns regarding access.

If the planning committee are mindful to approve the planning application, the parish council would like to see the following conditions adding:-

- Any new dwellings are built using bricks and materials that are in keeping with the locality, ideally utilising bricks that are on the current property that could be recycled.

At present, the development is to be called 'Castle View Court'. The parish council object strongly to this name. There is already an estate in the village called Castle View, various houses called Castle View and areas called Castle Court and Castle Side. The parish council believe that Castle View Court would just cause more confusion and would like to request that a consultation takes place on the naming of the site with the parish council and residents being part of the consultation.

7.3. **Internal Drainage Board:** Recommend Condition

7.4. **North Yorkshire Archaeology:** Recommend Condition

7.5. **North Yorkshire Ecology:** No objection.

7.6. **Local Highway Authority:** No objection, recommend condition

Local Representations

7.7. 20 letters of objection have been received in total making the following summarised points .members can review this in full on the planning file.

- Part of village history, a 170+ year old building and former brewery site, and its past is an important high status, landmark building within our community in a prominent position of importance within the village. Detrimental to the character of the village. Cultural and archaeological vandalism.
- Important part of the visible "age structure" of the village, how the village has aged and evolved. To allow demolition would suggest that any building can be removed for commercial interest.

- Middleton House should be considered a non-designated heritage asset. The only surviving building of a site known as Castle Brewery, recorded as a monument within the Heritage Gateway HER entry. Featured in the OS Map of 1856
- The approval for the new dwellings in the adjoining land was based on the retention of Middleton House with some extension work. If this application is to be entertained, then the planning application for the whole site and the adjoining site behind Park View, needs to be re-visited.
- Someone should renovate Middleton House and build bungalows on the adjacent land.
- It has been made to look derelict. When it was purchased, surely a survey would have identified these issues. Structural report notes that the demolition is not necessary, but the 'preferred solution.' Demolition is not the only solution. A refreshed Middleton House would complement the group of historical properties that comprise Finkle St, the Square and New Lane. The structural surveys fails to factor in planning considerations such as contribution to street scene/local historical context.
- Fails to replicate the appearance of Middleton House.
- Although proposing demolition, had made life effort to address issue of climate change as required by national policy and local plan.
- Concern over setting of Sheriff Hutton Conservation Area.
- Need to review the vehicular access to the entire site, this is a blind corner and needs to be seriously reconsidered, direct conflict with the village hall traffic and any traffic entering or leaving Sheriff Hutton. Poor enforcement of the 30mph limit and large volumes of HGVs.
- Neighbouring residents will have their outlook irrevocably changed and have to endure months of noise and disruption.
- The effort put into refurbishing with skill and understanding of the style and period would enhance the reputation of the firm involved.
- Developer has removed important copper beech and hedge. Little thought about replacement.
- Many in village objected to properties around this. No vision in terms of the needs of the local community. There was an opportunity to add lower level/smaller affordable homes to our community which are needed to retain our younger generations or elderly people to downsize.

8.0 Environment Impact Assessment (EIA)

- 8.1. The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

9.0 Main Issues

- 9.1. The key considerations in the assessment of this application are:

- Principle of development
- Form, Character and Impact of the Proposal Demolition and Rebuild upon the Street Scene and Non Designated Heritage Asset.
- Access, Highway Safety and Parking
- Other Matters

10.0 ASSESSMENT

Principle of Development

- 10.1. Policy SP1 (General Location of Development and Settlement Hierarchy) identifies Sheriff Hutton as a Local Service Centre (Service Village.) Policy SP2 (Delivery and Distribution of New Housing) supports replacement dwellings in principle. Consequently, this scheme is considered acceptable in principle and to align with Policies SP1 and SP2 of the Ryedale Plan, Local Plan Strategy.
- 10.2. The potential effect of this proposal on the character of the locality and in terms of heritage and other key considerations will be considered in the relevant sections below.

Form, Character and Impact of the Proposed Demolition and Rebuild upon the Street Scene and Non Designated Heritage Asset

- 10.3. Policy SP12 Heritage notes “*Distinctive elements of Ryedale’s historic environment will be conserved and where appropriate, enhanced.*” It further confirms “*In considering and negotiating development proposals, the Council will seek to protect other features of local historic value and interest throughout Ryedale having regard to the scale of any harm or loss and the significance of the heritage asset.*”
- 10.4. The NPPF notes in Paragraph 189 that “Heritage assets range from sites and buildings of local historic value to those of the highest significance.” Paragraph 203 notes “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.” Paragraph 205 notes: “*Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible⁶⁹. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.*”
- 10.5. SP16 Design of the Ryedale Plan, Local Plan Strategy notes: “*Development proposals will be expected to create high quality durable places that are accessible, well integrated with their surroundings and which “Reinforce local distinctiveness and... Protect amenity and promote well-being.”*

To reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings including:

- *The grain of the settlements, influenced by street blocks, plot sizes, the orientation of buildings, boundaries, spaces between buildings and the density, size and scale of buildings*
- *Views, vistas and skylines that are provided and framed by the above and/or influenced by the position of key historic or landmark buildings and structures*

- *The type, texture and colour of materials, quality and type of building techniques and elements of architectural detail*
- 10.6. Policy SP20: Generic Development Management Issues of the Ryedale Plan, Local Plan Strategy notes:
- *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*
- 10.7. The site is located within the village of Sheriff Hutton, within the village development limits. As outlined above, this is not within nor adjacent to the Village Conservation Area, nor in the setting of any listed buildings. Middleton House itself is not listed, but is considered a Non Designated Heritage Asset (NDHA) due to its age, architectural detailing and its provenance as the last remaining building of the Brewery Site, as outlined in the Historic Environment Register (HER). The HER full description notes: *“The Castle Brewery is depicted on the first edition Ordnance Survey map of 1856 (1). The brewery consisted of a group of tightly packed buildings on a wedge shaped plot of land fronting Finkle Street. The brewery is thought to have continued in use in to the second half of the 20th century but has since largely been cleared leaving only one building known as Middleton House.”* The site is also located within an archaeologically sensitive area.
- 10.8. Given the archaeological sensitivity area, the Council’s Archaeology Team have been consulted. Within their formal response, the Principal Archaeologist has noted: *“Middleton House appears to have been built as part of the Castle Brewery which occupied the plot of land to the immediate east. All buildings other than Middleton House were demolished at some point in the later half of the 20th century.*
- Middleton House appears to be domestic rather than industrial in nature and is likely to have been the brewery manager’s house, offices or similar. The proposal is for remedial and rebuilding works on a similar footprint so there should be no significant impact on below ground archaeological remains.*
- As the building is of historic interest I would recommend a Level 2 historic building survey is carried out prior to commencement of the works should consent be granted. However, the ability to record the structure should not be seen as a factor in deciding whether loss should be permitted (NPPF para. 205) and the historic significance of the building should form part of the balanced planning decision.”* The point raised by the Archaeologist is noted and the necessary careful consideration will be undertaken. A relevant condition was subsequently recommended.
- 10.9. As part of the supporting evidence for this scheme, a Structural Inspection Report (Paul Waite Associates 12th April 2023 - Author Paul McDonald MEng CEng MIStructE) has been submitted. This confirms external and internal concerns with the building together with issues that may arise in the completion of the extensions approved under 22/00539/FUL. The report concludes:

“The existing structure exhibits a series of defects due to foundation settlement and local instabilities.

Additions and alterations have locally weakened the structure and significant remedial works are required.

Such is the extent of demolition and key member removal careful consideration should be given to temporary stability to ensure the protection of the site, site personnel and members of the public.

The masonry is in relatively poor condition and will require a high level of maintenance throughout the life span of the structure, should it be retained.

The building is stable in its current condition; however, the risk increases as the proposed works are undertaken.

Remedial measures should be implemented in full prior to the demolition of any element of the structure if refurbishment is undertaken. The extent of demolition required to imagine the design proposals is significant and akin to a demolition and rebuild but entails a greater degree of risk to retain poor quality facades that will lack overall stability without significant temporary works, which in themselves may hinder redevelopment proposals.

Any temporary measures should be inspected thoroughly and regularly to ensure continued stability throughout.

We would advise that careful and detailed consideration should be given with respect to health and safety, long and short-term stability and integrity to the complete demolition and reconstruction of the property.

In our opinion, total demolition should be considered the preferred solution. The existing foundations should be grubbed out in their entirety to allow the building to be rebuilt on new foundations that are consistent, the fabric of the structure similarly would exhibit consistent thermal and structural performance over its lifetime. A full DPC and DPM would be incorporated in the structure eliminating many of the flaws that the current building presents.

This approach would be a safer and potentially more cost-effective solution which would result in a structurally sound building that would require minimal maintenance throughout the proposed lifetime.”

- 10.10 The LPA note the content of the Structural Inspection Report, however considered it pragmatic and thorough to commission an independent report to investigate defects to the structure and determine the feasibility of carrying out remedial works or whether demolition and rebuild would be more appropriate. The report (Align Property Partners Limited 8th September – Author Hashim Ali BEng (Hons) MSc) was based on a site visit by Hashim Ali, the Case Officer, the Council’s Senior Building Conservation Officer, the Applicant and colleagues from Wharfedale Homes. This can be viewed in full on the planning file, however it is also quoted directly in the Senior Building Conservation Officer’s response below in Section 10.11.
- 10.11 It is appreciated that Middleton House is strongly regarded and afforded a great deal of significance by local residents and Parish Council, as clearly noted within the incoming consultations responses, it has been identified as a non designated heritage asset by the LPA. The Case Officer acknowledges the technical detail within the two structural surveys and following that sought further narrative from the

Developer in relation to the proposed approach. The following was received on the 12th December:

“Wharfedale Homes purchased the property, Middleton House, with the full intention of renovating the property alongside a small, bespoke development of new houses in the garden. The usual surveys were carried out prior to purchase but the survey at that stage was limited to anything visible as intrusive investigation is not feasible pre-completion. At that stage, the applicant was aware of some structural issues that required attention. On the grant of planning, the applicant commissioned the removal of internal plaster to enable a full structural and engineering proposal to be produced. The removal of plaster exposed significant structural issues and building defects as confirmed in both their submitted Structural Report and the Council’s own commissioned report.

The existing building has been altered and extended many times during its lifespan and underwent a full renovation in the mid-20th century when the previous owners acquired the building. That renovation included wholesale alterations to the floorplan, including the introduction of a new staircase and other internal and external additions. The applicant’s original proposals, which were approved by the LPA, included the removal of most of these alterations, to include the rear off-shot, which is suffering from severe structural issues. It also included the removal of the Victorian front extension which is, again, suffering from subsidence. The intrusive investigation exposed the presence of timber lintels, across the whole property, including a significant, timber structural member used to support the whole front elevation. As part of any renovation, all lintels and structural timbers require replacement with modern alternatives to comply with requirements. This presents a complex engineering and health and safety challenge as, even with extensive temporary works, there is high risk of structural failure during the removal and replacement process. This is one of many significant defects highlighted by the structural reports requiring remediation.

On stripping back of internal plaster, it also became apparent that many of the structural issues were related to these alterations and extension, meaning removal is necessary for the long-term stability of the building. Otherwise, the developer would be unable to secure a build warranty and therefore, no prospective purchaser would be able to secure a mortgage to purchase the property. However, removal of the front and rear extensions would be very difficult to undertake whilst retaining the ongoing structural stability of the remaining building during renovation (gables, roof and remaining elements of front and rear elevation). For this reason, both surveyors determined that a combination of cost, timescales and requirement for ongoing maintenance means that the ability to achieve a future proof building, that is compliant with relevant codes and building regulations, would be extremely difficult and would be an ongoing liability to the homeowner.”

- 10.12 The Council’s Senior Building Conservation Officer confirmed the following in her formal response dated 12th December 2023 and as noted has quoted directly from the Align Property Partners Report:

No Objection

Paragraph 203 of the NPPF requires that ‘The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.’ Paragraph 204 states that ‘ Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure

the new development will proceed after the loss has occurred'. Paragraph 205 states that 'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible'.

The proposal seeks the erection of a replacement dwelling and associated landscaping following the demolition of Middleton House. The applicant has submitted a Structural Condition report undertaken by Paul Waite Associates, on the existing structure in which many defects were picked up. Their recommendation was that 'total demolition should be considered the preferred solution'.

Subsequently, an independent structural report has been commissioned by North Yorkshire Council finding: "The inspection uncovered many defects which would require the following works to be undertaken:

- Ground Investigations to determine bearing pressures, information regarding soil stability, ground model, underpin depths etc.*
- Underpinning to foundations in local areas where settlement is present.*
- Masonry walls to be tied back into the structure.*
- Masonry to be repointed.*
- Weathered brickwork to be removed and replaced.*
- Timber lintels to be replaced with proprietary lintels.*
- Removal of significant structural members which will result in significant temporary works.*
- The proposals include the removal of walls, which give the structure lateral stability against*
- prevailing winds. A Structural assessment will have to be conducted in order to determine*
- where lateral supports are required.*
- Wall construction to be altered to allow for a cavity so the structure can be insulated in order to meet current building regulations.*
- Substantial amounts of remedial and temporary works required in order for the building to follow modern design standards/codes/building regulations.*

Discussion

Overall, the condition of the existing structure is poor and requires remedial works. All defects noted to the structure are repairable, however, the remedial works involved may have lengthy timescales, hefty costs and ongoing maintenance. There is a substantial amount of remedial and temporary works required in order for the building to follow modern design standard/codes/building regulations and to ensure adequate structural stability. Remediating the structure would still require a regular maintenance programme to ensure the structure remains in sound condition where as a new structure would require less frequent attention.'

Given the identification of a poor structural condition and the substantial amount of remedial and temporary works required to the existing structure by an independent party, it is considered that the retention of the Non Designated Heritage Asset has been given due consideration in the Planning process'.

It is also considered that the design of the proposed dwelling, the detail of which can be secured through the submitted Design Code, will help to mitigate the loss of the Non Designated Heritage Asset.

In addition, a recording condition has been recommended by the Council's archaeological consultees.

In my opinion, the provisions of the NPPF in regard to Non Designated Heritage Assets have been satisfied. Due to the proposed design and detailing of the application, the proposed impact on the setting of the conservation area will be negligible."

- 10.13 The response confirming no objection to the overall loss of the non designated heritage asset from the Council's Senior Building Conservation Officer is noted, which was a carefully considered decision undertaken following the site visits and review of the two structural surveys.
- 10.14 It is also noted, that whilst this non designated heritage asset would not be retained, the Agent has proposed a very sensitive design for the replacement dwelling, which would almost replicate the form of the approved scheme under 22/00539/FUL. This approach is strongly welcomed and Officers are pleased that the developer did not seek to proposed a more 'off plan' large anonymous replacement dwelling in this location. The design reflecting that of the original Middleton House is more appropriate in this prominent location. As noted, the detailed design code which has been submitted by the Planning Agent would be conditioned, together with the requirement for a sample panel of brickwork, samples of all other materials and further information in terms of window details.
- 10.15 On balance, Officer's consider it regrettable that the original dwelling, which is considered to form a non-designated heritage asset with historic significance would be lost. However the supporting information has provided important justification to inform the rationale behind this approach which Officers considered a suitable basis on which to support this scheme. The poor structural condition, unearthed following the purchase is noted and the significant range of issues within the dwelling are acknowledged and on this basis, in line with the requirements of the NPPF a balanced recommendation for approval is made.

Access and Highway Safety

- 10.16 As noted, this scheme would be served by the proposed new entrance approved to serve Middleton House and the other properties approved under 22/00539/FUL. It is noted that there are local concerns with speeding within this 30mph dwelling and visibility. However this entrance has been fully considered by the Highways Team under the earlier application. As part of that scheme, visibility was always to be improved by the removal of the Victorian front extension to Middleton House and this resultant splay will be maintained as part of this current scheme.
- 10.17 The Highways Officer, within their formal consultation response on this scheme recommending a condition to ensure that no part of the development must be brought into use until the access, parking, manoeuvring and turning area approved under 22/00539/FUL has been constructed in accordance with the details approved in writing by the LPA. It is therefore considered that the proposed access will be safe and suitable, in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

Other Matters

- 10.18 It is not considered that this scheme, for a single replacement dwelling, mirroring the scheme approved under 22/00539/FUL would result in any adverse impacts in terms of neighbouring amenity of neighbouring occupiers or future residents.

10.19 In terms of Drainage, the site is located in Flood Zone 1. No formal consultation response was received from Yorkshire Water in relation to this scheme. A response was received from the Internal Drainage Board recommending a condition seeking full details of the drainage details for the red line location site. Presently, under condition file ZE23/00389/COND the IDB's previously recommended condition for full details of the wider site/scheme approved under 22/00539/FUL is being discharged, with a final consultation response being awaited from Yorkshire Water. If Yorkshire Water are content, the IDB have confirmed for this more limited scheme, that the discharge rate can be as per the site wide Drainage Plan (P10.) On this basis, this would affect the precise wording of the drainage condition recommended for this scheme. It would be most likely be an 'in accordance with' style condition. Members will be updated on this is due course. If this is not confirmed by the Committee Meeting, Officers will seek an update to the overall recommendation to request delegated authority to approve, subject to the satisfaction of the Internal Drainage Board.

10.20 It is considered that the previously recommended condition under the approval 22/00539/FUL will effectively secure the wider site landscaping scheme which will result in an ecological enhancement, that this scheme would align with the requirements of Policy SP14 (Biodiversity) of the Ryedale Plan, Local Plan Strategy and the National Planning Policy Framework. The NYC Ecologist noted in their final response that the dwelling has negligible potential for protected species and the recommendations within the submitted Preliminary Ecological Appraisal "*do not seem to include anything that would be specific to the current application, and refer more to proposals for the redevelopment of the wider site.*" It is also noted, that a BNG payment legal agreement has made by the Developer previously as part of the earlier scheme, which will be payable upon a lawful commencement of that scheme.

10.21 A Phase 1 and Phase 2 Geo-Environmental Assessment have been carried out on this site. Under discharge of conditions file ZE23/00523/COND this has been considered acceptable by the Council's Environmental Health Officers. A condition relating to unexpected contamination will be recommended, with an informative to adhere to the recommendations within the Phase 2 report.

11.0 PLANNING BALANCE AND CONCLUSION

11.1. This application has been recommended for approval as it is considered to meet with the requirements of the Ryedale Plan, Local Plan Strategy and the National Planning Policy Framework.

11.2. This proposed scheme, which includes the replacement of Middleton House is considered to be acceptable in principle within this location, which falls within the designated Service Village under the Ryedale Plan, Local Plan Strategy. Subject to the amendments made and the relevant recommended conditions, it is considered to align with the requirements of the following policies within the Ryedale Plan, Local Plan Strategy: Policy SP1 (General Location of Development and Settlement Hierarchy) Policy SP2 (Delivery and Distribution of New Housing, together with the National Planning Policy Framework (NPPF.)) It is noted that concern has been raised with the scale of the replacement dwelling and that of the already approved scheme

to the west under 22/00539/FUL. It is considered that these do not relate to more affordable options for downsizing families, however it is noted that the scale of the approved dwellings is considered to align with the requirements of SP2. Furthermore, the proposed replacement Middleton House dwelling respects the footprint previously approved.

- 11.3. The scheme, which proposed the demolition of a non designated heritage asset, of heritage significance is considered to have been suitably justified, due to the poor state of repair and the range of structural issues identified at this property and following a site visit and careful review, this view is shared by the Council's Senior Building Conservation Officer. Whilst the level of local representation is noted, it is considered that the loss has been balanced, in line with the requirements of Paragraph 203 of the NPPF and due regard has been given to the retention of the non-designated heritage asset has been given in the planning process. It is also considered that the design of the proposed dwelling, the detail of which can be secured through the submitted Design Code and further conditions, will help to mitigate the loss of the Non Designated Heritage Asset. Further archaeological recording will also be secured. The scheme is not considered to affect the setting of the Sheriff Hutton Conservation Area.
- 11.4. The application is also considered to be suitable in terms of highway safety, with the continued use of the already approved new access from Finkle Street continued to be considered acceptable by Highways. The scheme is also considered acceptable in term of ecology and neighbouring amenity.
- 11.5. Members will be updated in due course with regard to drainage, as outlined above. It is considered likely that a compliance condition will be possible to recommend, given the level of detailed information produced as part of an associated conditions file relating to 22/00539/FUL.

12.0 RECOMMENDATION

- 12.1 That planning permission be GRANTED subject to conditions listed below:

Recommended conditions:

Condition 1 Time Limit

The development hereby permitted shall be begun within three years of the date of this permission.

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

Condition 2 Approved Plans

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

Site Location Plan – Middleton House (Drawing no. SHERI-WBA-XX-ZZ-DR-A-PL_002 Rev P1 – dated 11th December 2023)
 Proposed Plans and Elevations (Drawing no. SHERI-WBA-XX-ZZ-DR-A-PL_100 Rev P2)

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

Condition 3 – PD Rights

Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or amending that Order) development of the following classes shall not be undertaken other than as may be approved in writing by the Local Planning Authority following a specific application in that respect:

Class A: Enlargement, improvement or alteration of a dwellinghouse

Class B: Roof alteration to enlarge a dwellinghouse

Class C: Any other alteration to the roof of a dwellinghouse

Class D: Porches

Class E: Provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of a dwellinghouse or the maintenance, improvement or other alteration of such a building or enclosure

Reason: To ensure that the appearance of the areas is not prejudiced by the introduction of unacceptable materials and/or structure(s).

Condition 4 – Archaeology

- a. No demolition/development shall commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 - i. The programme and methodology of site investigation and recording
 - ii. The programme for post investigation assessment
 - iii. Provision to be made for analysis of the site investigation and recording
 - iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - v. Provision to be made for archive deposition of the analysis and records of the site investigation
 - vi. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- b. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).
- c. 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 condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: This condition is imposed in accordance with Section 16 of the NPPF (paragraph 205) as the building is of historic interest.

Condition 5 – Sample Panel

Prior to any above ground construction of the dwellings hereby approved, the developer shall construct on site for the written approval of the Local Planning Authority, a one metre square free standing panel of the external walling to be used in the construction of the development hereby approved . The panel so constructed shall be retained only until the development has been completed.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

Condition 6 – Samples

Prior to any above ground construction of the dwellings hereby approved, or such longer period as may be agreed in writing with the Local Planning Authority, further details and samples of all materials to be used on the exterior of the buildings the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

Condition 7: Windows

Notwithstanding the submitted details, prior to their installation, details of all windows, including means of opening, depth of reveal and external finish shall be submitted to and approved in writing by the Local Planning Authority. These shall be shown on a 1:10 scale drawing or via product brochures.

Informative: In preparing the information above, the Building Conservation Officer and Case Officer have provided detailed advice on the quality of windows required and this has informed the submitted design code.

Reason: To ensure an appropriate appearance and to comply with the requirements of Policies SP12, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

Condition 8: Design Code

The development hereby approved shall be undertaken in accordance with the details contained in the approved Design Code. (Version submitted by the Planning Agent on the 12th December 2023).

Reason: To ensure an appropriate appearance and to comply with the requirements of Policies SP12, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

Condition 9: Means of enclosure

Unless otherwise agreed in writing with the Local Planning Authority, prior to any above ground construction of the dwellings hereby approved, full details of the materials and design of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority, including a sample of the proposed

walling material along the southern elevation of the site. Thereafter these shall be erected prior to the occupation of any dwelling to which they relate.

Reason: To ensure that the development does not prejudice the enjoyment by the neighbouring occupiers of their properties or the appearance of the Conservation Area, as required by Policy SP12, SP20 of the Ryedale Plan - Local Plan Strategy.

Condition 10: Highways

No part of the development must be brought into use until the access, parking, manoeuvring and turning area approved under application reference 22/00539/FUL has been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy.

Condition 11: Unexpected contamination

In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported immediately to the local planning authority, and work must cease until an appropriate investigation and risk assessment must be undertaken. Where remediation is necessary, a remediation scheme must be prepared by competent persons and submitted to the local planning authority for approval. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy
Informative: The site should be redeveloped in full accordance with the recommendations contained within the Phase “ Geo-Environmental Assessment (PWA May 2023.)

Condition 12: FW/Surface Water

Unless otherwise agreed in writing with the Local Planning Authority, prior to the occupation of the dwellings hereby approved, the provision of surface and foul water discharges must be completed to the satisfaction of an approved Building Control Officer.

Reason: To ensure that no discharges take place until proper provision has been made for their disposal and to satisfy the requirements of Policies SP17 and SP19 of the Ryedale Plan - Local Plan Strategy.

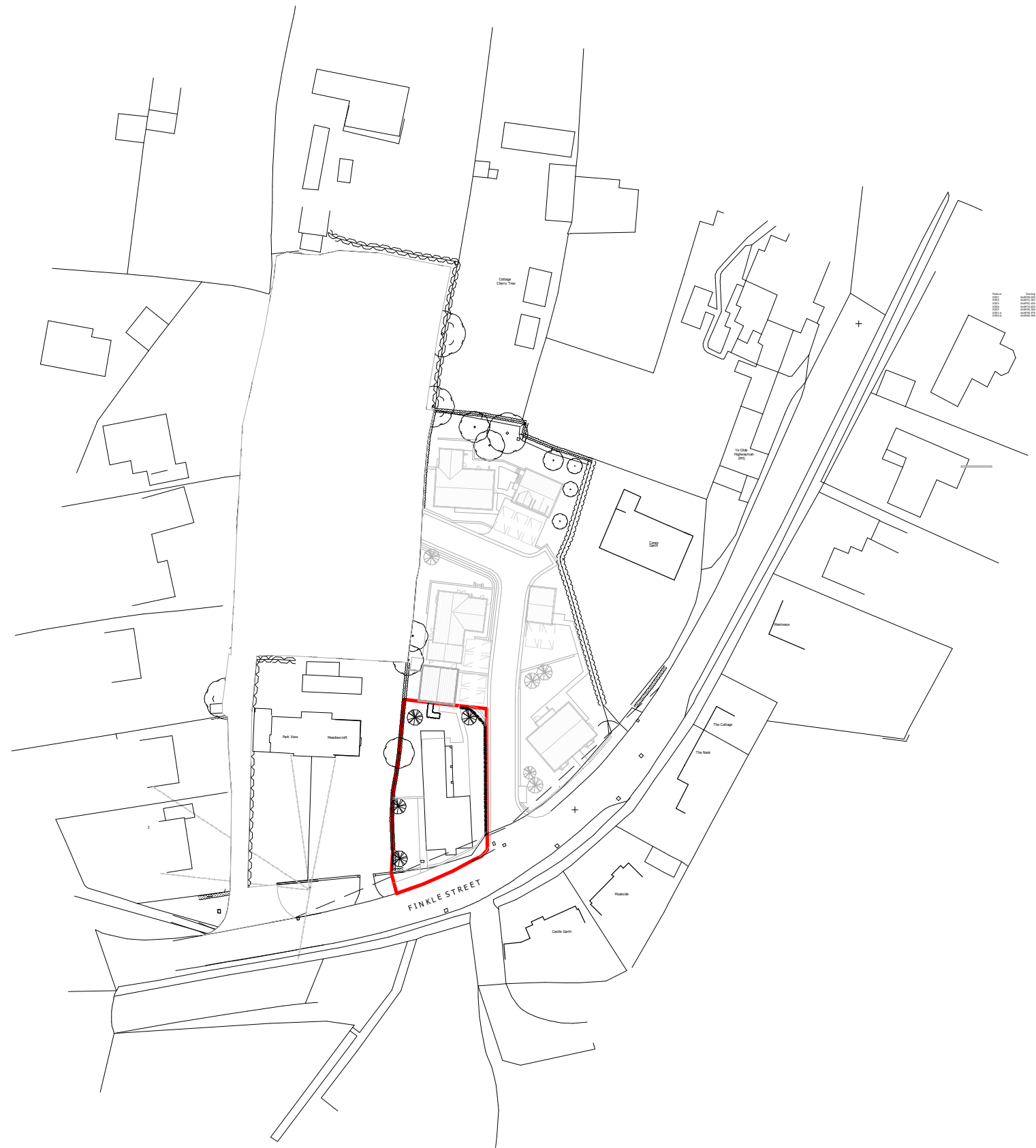
Condition 13: Internal Drainage Board Condition – To be confirmed.

Target Determination Date: 28th June 2023.

Case Officer: Niamh Bonner, niamh.bonner@northyorks.gov.uk

Appendix A – Proposed Layout Plan

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Site Location Plan
1 : 1000

P1 11.12.2 AKB RJ Context added				
023				
Rev:	Date:	Drawn:	Checked:	Description:
Suitability:				
PL		Planning		

Sheriff Hutton

Site Location Plan - Middleton House

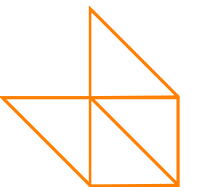
Location:
Middleton House,
Finkle Street
Sheriff Hutton

Client:
Mr M Gibson

UPRN	Originator	Zone	Level	Type	Role	Series/Number	Revision:
						SHERI-WBA-XX-ZZ-DR-A-PL_002	P1
Date:	Drawn:	Checked:	Scale:	@A3	Int Job No:		
13.04.23	AKB	RJ	1 : 1000		4052-003		

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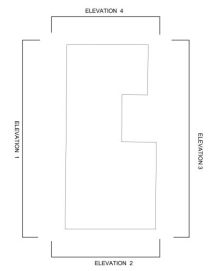
FUTURE BUILT

Note: Do not Scale from this drawing. All dimensions to be checked on site

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Currently Proposed Elevations and Floor Plans ZE23-00416-FUL

- Proposed materials**
1. Main Facade : Red Brick with mortar to match the existing.
 2. Feature Facade : Black timber composite cladding.
 3. Roof : Red clay pantiles to match existing with stone copings and stone kneelers
 4. Windows: Sliding sash style windows.
 5. Doors : Front door to be composite black with a wood effect.
 6. Rainwater Goods : Aluminum cast iron effect in a heritage style, supported on rise and fall brackets.
 7. Stone work: Copings and kneelers to match existing stone work.



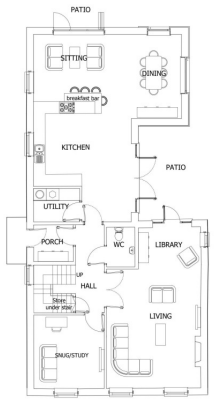
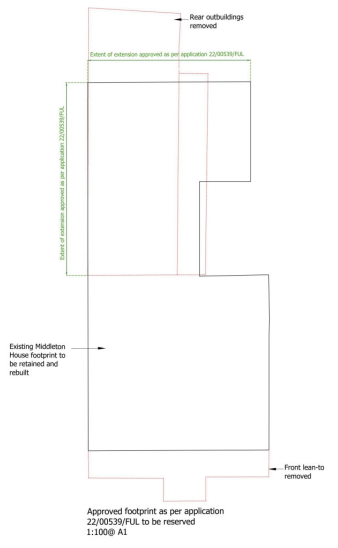
PROPOSED ELEVATION 1 (FRONT)
1:100@ A1

PROPOSED ELEVATION 2 (SIDE)
1:100@ A1

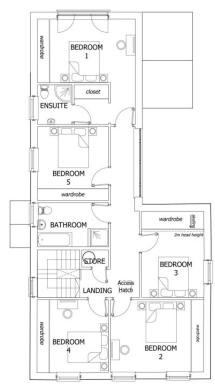
PROPOSED ELEVATION 3 (REAR)
1:100@ A1

PROPOSED ELEVATION 4 (SIDE)
1:100@ A1

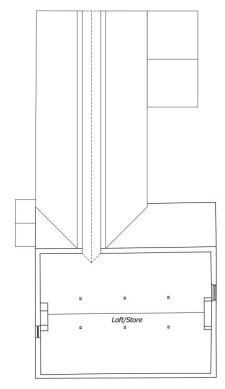
Page 53



PROPOSED GROUND FLOOR
1:100@ A1



PROPOSED FF PLAN
1:100 @ A1



PROPOSED SF PLAN
1:100 @ A1

Revision: P2	Date: 12.10.2023	Drawn: AKB	Checked: RJ
Revision to chimney (now flush with the gable), amendments to material schedule. Addition of existing stone roof details (i.e. copings and kneelers). Elevation windows all and header style have been altered to match existing as close as possible yet still complying with current planning requirements.			
Revision: P1	Date: 20.04.2023	Drawn: AKB	Checked: RJ
Planning submission			
PL		Planning	
Sheriff Hutton			
MIDDLETON HOUSE			
Proposed Plans and Elevations			
Location: Middleton House Finkle Street Sheriff Hutton			
Client: Mr M Gibson			
Project:	Client:	Drawn:	Checked:
SHERI	WBA XX ZZ DR A	PL_100	P1
Date: 04.2023	Drawn: AKB/checked: RJ	Scale: 1:50	3rd Job No: 4052-003
CAD: 001			

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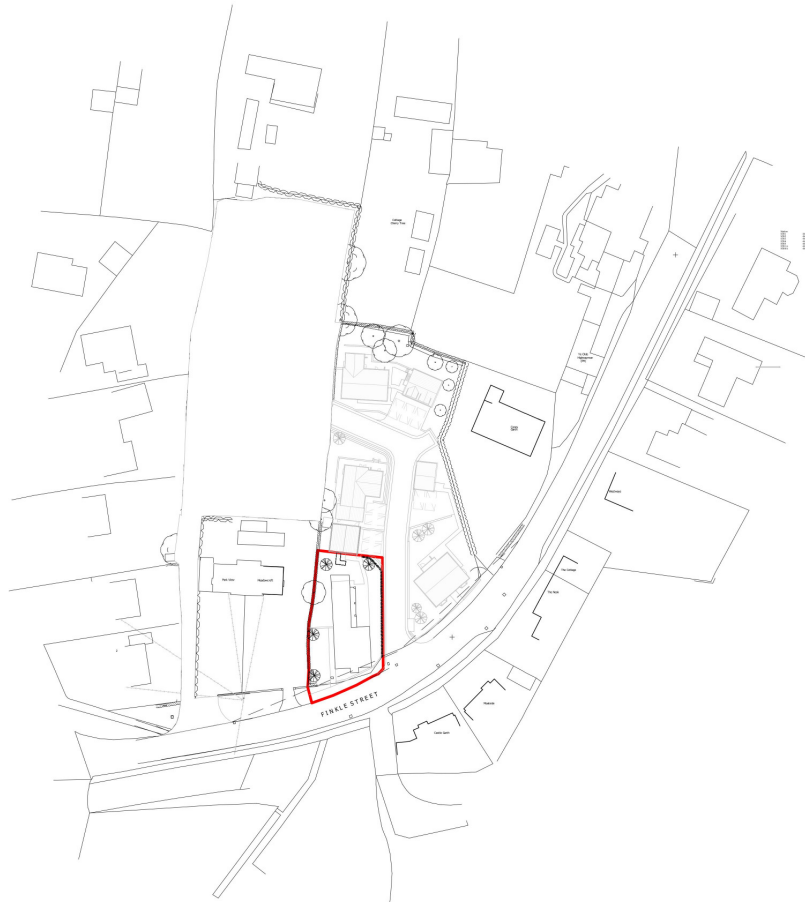
FUTURE BUILT

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Site Location Plan Middleton House

Page 55



Site Location Plan
1 : 1000

P1 11.12.2 AKB RJ Context added					
023					
Rev:	Date:	Drawn:	Checked:	Description:	
PL				Planning	

Sheriff Hutton

Site Location Plan - Middleton House

Location:
Middleton House,
Finkle Street
Sheriff Hutton

Client:
Mr M Gibson

UPRN	Originator	Zone	Level	Type	Role	Series/Number	Revision:
						SHERI-WBA-XX-ZZ-DR-A-PL_002	P1
13.04.23	AKB			RJ	Checked:	Scale: 1000	18.04.23
						1 : 1000	4052-003

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FUTURE BUILT

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Proposed Elevations Hiddleton House Approved 22-00539-FUL



Front Elevation
1 : 100



Rear Elevation
1 : 100



Front Elevation
1 : 100



Typical Side Elevation
1 : 100

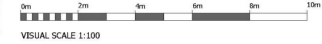


Side (East) Elevation
1 : 100



Side (West) Elevation
1 : 100

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Materials Legend

- Main House**
- Main Facade : Red Brick
 - Feature Facade : Timber Composite Cladding (Black)
 - Roof : Thin Edge concrete Tile (Grey & Red)
 - Windows : Sliding Sash Windows (White)
 - Doors : Composite (Black)
 - Rainwater Goods : UPVC (Black)
- Garage**
- Main Facade : Timber Composite Cladding (Black)
 - Roof : Thin Edge concrete Tile (Grey & Red)
 - Doors : Roller Shutter (Black)
 - Rainwater Goods : UPVC (Black)

Page 57

PI	21.04.22	CW	RJ	Note update to Plot references
Rev	Date	Drawn	Checked	Description
PL				Planning

Sheriff Hutton

Middleton House
Proposed Elevations

Location:
Middleton House,
Finkle Street,
Sheriff Hutton
Client:
Mr M Gibson

UPRN	Originator	Zone	Level	Type	Rate	Series/Number	Revision
WHARF-WBA-XX-ZZ-DR-A-PL_212							P1
Date	Drawn	Checked	Scale	Int. Job No.			
March 22	CW	RJ	As Indicated	4052-003			

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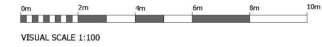


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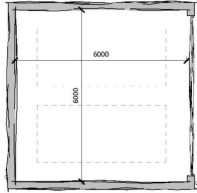
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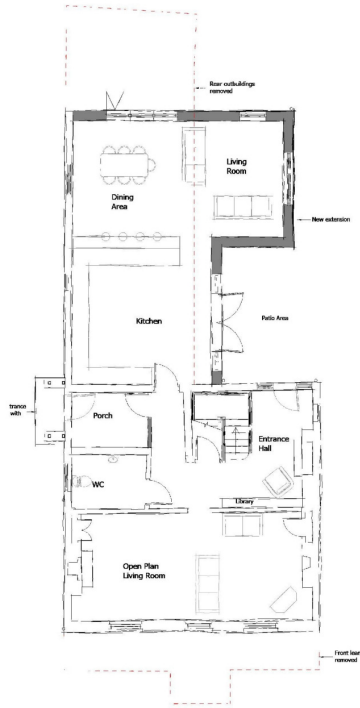
Proposed Floor Plans Middleton House Approved 22-00539-FUL



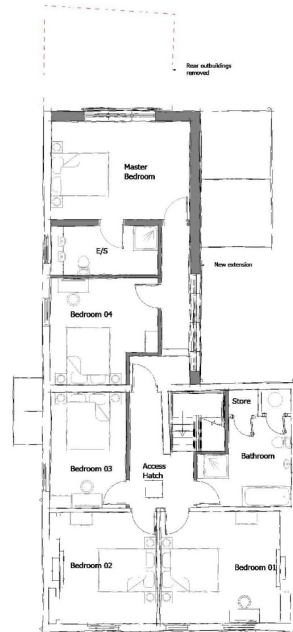
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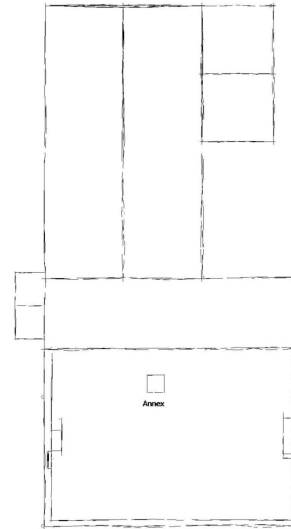
Garage Floor Plan
1 : 100



Ground Floor Plan
1 : 100



First Floor Plan
1 : 100



Second Floor Plan
1 : 100

Page 59

PI	21.04.22	CW	RJ	Note update to Plot references			
Rev	Date	Drawn	Checked	Description			
Schedule							
PL	Planning						
Sheriff Hutton							
Middleton House Proposed Floor Plans							
Location: Middleton House, Finkle Street, Sheriff Hutton							
Client: Mr M Gibson							
UPRN	Originator	Zone	Level	Type	Scale	Series/Number	Revision
WHARF-WBA-XX-ZZ-DR-A-PL_211					0A2	P1	
Date:	Drawn:	Checked:	Scale:	Int. Job No.			
March 22	CW	RJ	1 : 100	4052-003			

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North Yorkshire Council

Community Development Services

Thirsk and Malton Area Constituency Committee

21st December 2023

22/01117/FUL - Application for continuation of site operations as a petrol station and retail shop, including preparation area for hot and cold food for sale on premises. Alterations to the arrangement for the provision of parking, manoeuvring with turning area. (Amended description, illustrative food items for sale (13.9.2023), amended site layout plan (18.8.2023) and amended highways statement 13.9.2023)

At: Brookes, North Road Garage, Shipton by Beningbrough, York, North Yorkshire, YO30 1AL

For: Mr Thomas Brooke

Report of the Assistant Director Planning – Community Development Services

1.0 PURPOSE OF THE REPORT

- 1.1 To determine a planning application for the continuation of site operations as a petrol station and retail shop, including preparation area for hot and cold food for sale on premises. Alterations to the arrangement for the provision of parking, manoeuvring with turning area. (Amended description, illustrative food items for sale (13.9.2023), amended site layout plan (18.8.2023) and amended highways statement 13.9.2023) at Brookes, North Road Garage, Shipton by Beningbrough, York, North Yorkshire, YO30 1AL on behalf of the Assistant Director – Planning.
- 1.2 It is considered that this application is appropriate to be determined by the Planning Committee given the public interest generated and the planning history associated with the site.
- 1.3 This application was proposed to be deferred by Officers and agreed by Members of the Planning Committee at the Hambleton District Council Planning Committee of 16 February 2023 to allow further consideration of relevant highways matters including signage.
- 1.4. Corresponding application ref. no.: 22/01288/ADV - Application for advertisement consent for '1No. site entry and 1No. exit non-illuminated signage for existing on-site business' at this site was withdrawn on the 16 February 2023 as the previously proposed signage is no longer proposed given that this was proposed in the highway verge but did not meet relevant legal requirements to be placed in this location as advisory signage.
- 1.5 The application has subsequently been amended and re-consultation undertaken. The following report has been updated from that prepared for consideration at the

Hambleton District Council Planning Committee of the 16 March 2023, in the light of the updated information and amended plans.

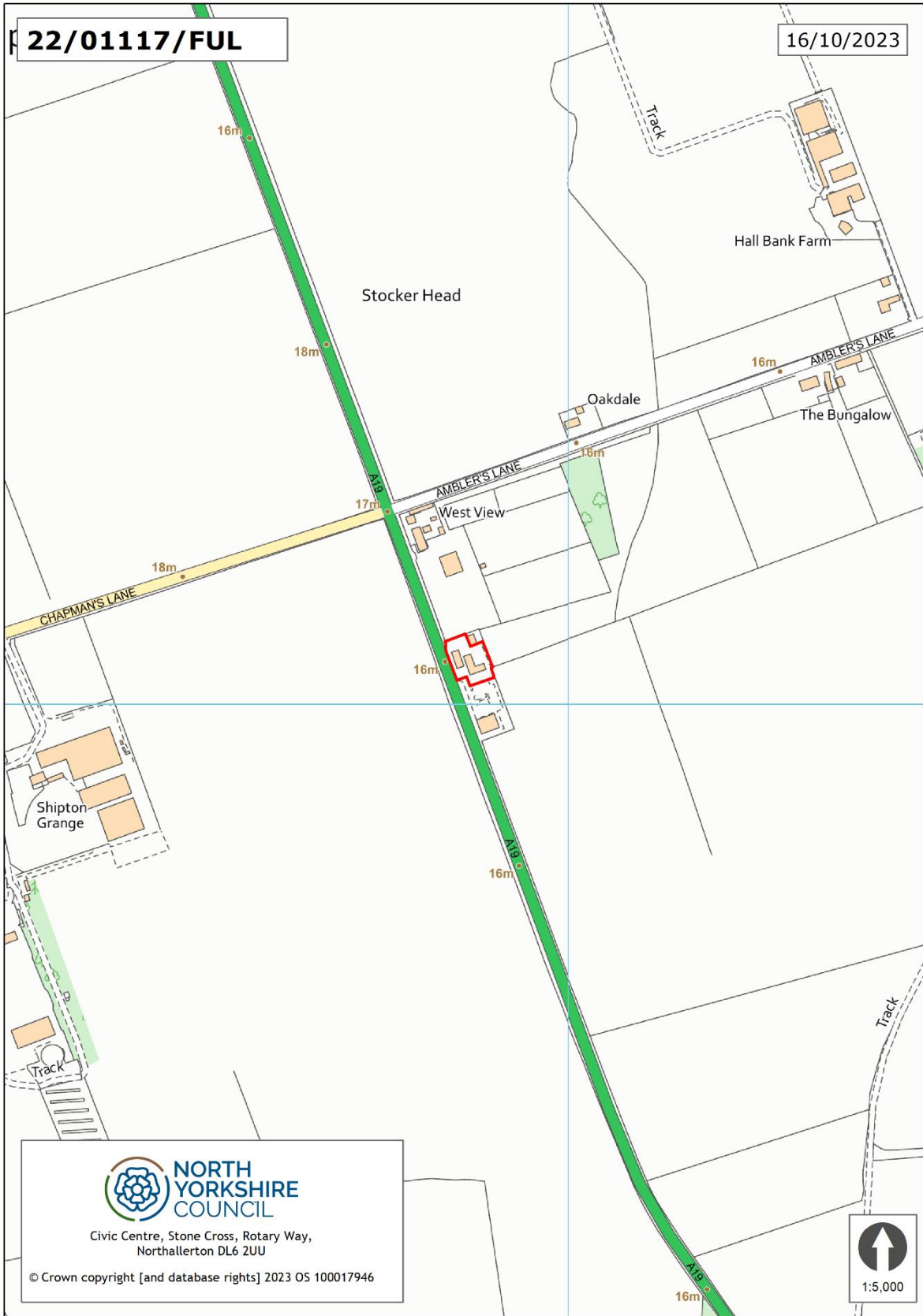
- 1.6 The petrol station element and the shop (including the preparation of hot and hot food for sale) are already in operation. The alterations for the provision of parking and manoeuvring as proposed in the planning application have not been carried out.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That planning permission be **GRANTED** subject to the conditions set out in section 12 of this report:

- 2.1 The application seeks planning permission for the continuation of site operations as a petrol station and retail shop, including preparation area for hot and cold food for sale on the premises as well as proposed alterations to the arrangement for the provision of parking and manoeuvring on the site.
- 2.2 During the course of the application the description has been amended to account for the preparation and sale of hot and cold food and an illustrative list of food prepared and sold has been submitted, as well as an amended site layout plan removing originally proposed internal site and external signage (which is reflected in an amended highways statement submitted by the applicant). An amended application form and an amendment to the red line boundary has also been received. Notice has been served on the Council as Highways Authority in relation to a strip of land to the frontage of the site (within the red line boundary) which is highway maintainable at public expense in relation to the surface of the highway being changed from grass to concrete (concerning an area of the grass verge bordering the A19).
- 2.3 The amended Highways Statement sets out that the proposal seeks to ensure the efficient layout of the site and a number of alterations are proposed to the internal layout. Additional customer parking is provided as well as an area for the manoeuvring of service vehicles delivering to the site and customer routeing throughout the site. No additional floor area is proposed.
- 2.4 The proposals for the re-arranged site include the reorganisation of parking spaces for the existing store, the introduction of a new internal one-way circulation system and formalisation of a delivery / servicing area to the rear of the store. The parking spaces are proposed to the western boundary (5 spaces) and to the eastern boundary (8 spaces) inclusive of disabled parking.
- 2.5 The relocation of parking creates two formal parking areas and facilitates the introduction of a specific delivery area to the rear of the main building. A designated company van parking space would be provided to the north of the jet car washing facility. To ensure the relocated parking spaces are accessible following the use of the pumps, a one-way system would be put in place using lining, directing vehicles around the southern extent of the store through directional road markings. Full vehicle tracking drawings have been provided, including for a 12m rigid delivery vehicle accessing and egressing the store in a forward gear.
- 2.6 A total of 13 car parking spaces are proposed including 4 disabled drivers' spaces, and 1 light goods vehicle space (there are 12 spaces existing). The application indicates that two full time and 6 part time workers would be employed.
- 2.7 The application site lies approximately 1.2km to the north of the village of Shipton and is sited on the eastern side of the A19. The site lies within the York Green Belt. A dwelling lies immediately to the north of the application site with two more dwellings approximately

70m further north. The Wilson building lies immediately to the south of the application site and originally shared the same access, though planning permission has been granted (ref. no.: 22/01435/FUL) for an access from the A19 to serve the Wilson building, on 28 October 2022 and has been implemented. This building was previously vacant but is now occupied by a fish and chip shop takeaway/restuarant, albeit at the time of writing the operation had yet to open for business.



3.0 Preliminary Matters

- 3.1. Access to the case file on Public Access can be found here:-
[Online Documents](#)
- 3.2. During the course of the application, an amended layout plan has been submitted with relevant updates to the highways statement to reflect this amended layout. The revised layout plan shows the removal of external and internal signage and inclusion of directional ground arrow markings only. The description has also been amended to reflect the preparation and sale of hot and cold foods (with an illustrative list of food submitted). An amended application form has also been received which confirms that notice has been served on the Council as Highways Authority in relation to a strip of highway land to the frontage of the site (that falls within the red line boundary).
- 3.3. The petrol station element and the shop (including the hot and cold food preparation and sale) are in operation. The alterations for the provision of parking and manoeuvring as detailed have not been carried out.
- 3.4. The following planning history is considered relevant.

2/79/131/0019D - Construction of a forecourt canopy. Permission granted 30/8/1979.

10/00378/ADV - Application for advertisement consent to display 7 non illuminated signs. Consent granted 12 April 2010

10/00377/FUL - Re-siting of two underground petrol tanks and three petrol pumps, alterations to the existing shop/car showroom and forecourt canopy and creation of car parking areas. Permission granted 12 May 2010.

12/02368/MRC - Application to vary condition 02 of planning approval 10/00377/FUL to amend the position of the pumps and tanks. Permission granted 8 February 2013.

13/01238/FUL - "the 2013 permission" - Demolition of existing extension, change of use of existing car showroom, MOT car servicing garage to class A1 use (retail) along with external alterations, single storey extension, formation of car parking and construction of boundary fence and gates. Permission granted on the 31 October 2013.

20/00794/MRC - Application for variation of condition No:4 (new drawing number for vehicle parking numbers SHIP-APR20) & No:5 (approved drawings - new drawing SHIP-APR20 - inclusion of shipping container for storage purposes only and to move and increase parking spaces from 12no to 16no, to remove fence and gate and the addition of 2no electric charge points) to previously approved application reference: 13/01238/FUL for the demolition of existing extension, change of use of existing car showroom, MOT car servicing garage to class A1 use (retail) along with external alterations, single storey extension, formation of car parking and construction of boundary fence and gates as amended by plan received by Hambleton District Council on 21 August 2013 - Refused on 7 July 2020 for the following reason:

"The revised layout of the site fails to provide a safe environment for customers to visit whilst utilising the shop and deli facility. The absence of appropriate on-site parking and turning space for deliveries results in vehicles parking in a manner that is detrimental to the free flow of traffic on the A19, the adjoining highway, and would be a danger to all road users. The proposal is therefore contrary to Local Development Framework policies CP1, DP3 and DP4 and as the proposal would result in an unacceptable impact on highway safety the proposal is also contrary to the NPPF, noting particularly the provisions of paragraph 109."

21/00209/MRC - Application for removal of condition 3 (specifically to no food shall be prepared on the premises for sale) to previously approved application 13/01238/FUL for Demolition of existing extension, change of use of existing car showroom, MOT car servicing garage to class A1 use (retail) along with external alterations, single storey extension, formation of car parking and construction of boundary fence and gates as amended by plan received by Hambleton District Council on 21 August 2013.

The was granted planning permission on 6 May 2021, that decision was challenged and subsequently the decision was quashed (as referred to below). Following that quashing of permission, the planning application was withdrawn.

Judicial Review

The decision to grant the above planning permission (21/00209/MRC) was the subject of a Judicial Review. The Claimant, Mr Wilson, who owns the building to the south of the subject site applied for permission to judicially review this decision on the following grounds:

- Grounds 1 and 2 related to the applicant's failure to notify Mr Wilson (as owner of part of the application site) of the application.
- Ground 3 related to the implications of the applicant not owning part of the site.
- Ground 4 related to the consideration of highways matters in determining the application.
- Ground 5 was an additional ground of claim which was submitted after the Council filed its defence. The Council had relied on a 'Highways Note' in consideration of the application. However, that Highways Note was not published on the Council's website.

Ultimately, the Council consented to judgment on Ground 5.

4.0 SITE AND SURROUNDINGS

- 4.1 The site lies approximately 1.2km to the north of the village of Shipton by Beningbrough and is sited on the eastern side of the A19. The site lies within the York Green Belt. A dwelling lies immediately to the north of the site with 2 more dwellings approximately 70m further north. The Wilson building lies immediately to the south of the application site and originally shared the same access, though planning permission has been granted (ref. no.: 22/01435/FUL) for an access from the A19 to site on 28 October 2022 which has been implemented. This building was previously vacant but is now occupied by a hot food takeaway/restaurant (yet to commence operation/open at the time of writing).
- 4.2 The building subject to this application was previously used as a car showroom, servicing, MOT station and petrol filling station. The petrol pumps are in operation at the front of the site. A shop associated with the filling station used to occupy an area of 110sqm, approximately 40% of the original building. The application site has been operating as a petrol filling station for a number of years. There is reference in the officer's report relating to planning application ref. no.: 13/1238/FUL to an historic application - 79/131/0019D – for the construction of a forecourt canopy, which suggests that the site has been operating in some motoring related capacity for a number of years.

5.0 DESCRIPTION OF PROPOSAL

- 5.1 The application seeks permission for the continuation of site operations as a petrol station and retail shop, including preparation area for hot and cold food for sale on premises as well as alterations to the arrangement for the provision of parking and manoeuvring.
- 5.2 The amended Highways Statement sets out that the proposal seeks to ensure the efficient layout of the site, a number of alterations are proposed to its internal layout. Additional customer parking is provided as well as an area for the safe manoeuvring of service vehicles delivering to the site and customer routeing throughout the site. No additional floor area is proposed.
- 5.3 The proposals for the site include the reorganisation of parking spaces for the existing store, the introduction of a new internal one-way circulation system, and formalisation of a delivery / servicing area to the rear of the store. The parking spaces are proposed to the western boundary (5 spaces) and to the eastern boundary (8 spaces) inclusive of disabled parking. The relocation of parking creates two formal parking areas and facilitates the introduction of a specific delivery area to the rear of the main building. A designated company van parking space will be provided to the north of the jet car washing facility. To ensure the relocated parking spaces are accessible following the use of the pumps, a one-way system will be put in place using lining, directing vehicles around the southern extent of the store through directional road markings. Full vehicle tracking drawings are provided, including for a 12m rigid delivery vehicle accessing and egressing the store in a forward gear.
- 5.4 A total of 13 car parking spaces are proposed including 4 disabled drivers' spaces, and 1 light goods vehicle space (there are 12 spaces existing). The application indicates that two full time and 6 part time workers would be employed.
- 5.5 The applicant has confirmed that the red line plan approved as part of the 2013 permission was incorrect and so neither condition 4 nor condition 5 of the 2013 permission could be wholly complied with. A subsequent application (20/00794/MRC) to vary these 2 conditions was refused for the following reason:

The revised layout of the site fails to provide a safe environment for customers to visit whilst utilising the shop and deli facility. The absence of appropriate on site parking and turning space for deliveries results in vehicles parking in a manner that is detrimental to the free flow of traffic on the A19, the adjoining highway, and would be a danger to all road users. The proposal is therefore contrary to Local Development Framework policies CP1, DP3 and DP4 and as the proposal would result in an unacceptable impact on highway safety the proposal is also contrary to the NPPF, noting particularly the provisions of paragraph 109.

A subsequent appeal was dismissed as the red line plan was incorrect and the applicant had failed to serve the appropriate land ownership notice.

- 5.6 A further application was submitted under application reference no.: 21/00209/MRC to vary condition 3 of planning permission 13/01238/FUL and enable the preparation of food for sale from the premises. This application was approved by the Council then challenged and subsequently the planning permission was quashed. One of the issues again related to an incorrect red line application plan and the appropriate service of notice.
- 5.7 The original planning permission 13/01238/FUL imposed a number of conditions including the following:

Condition 3 - Notwithstanding the provisions of any Town and Country Planning (Use Classes) Order and any Town and Country Planning General or Special Development Order

for the time being in force relating to 'permitted development' the premises shall not be used for any purpose other than a Class A1 Shop for the sale of convenience goods as shown on drawing number 13- SHIP-PFP received by Hambleton District Council on 14 June 2013 and no food shall be prepared on the premises for sale.

Condition 4 - Within 2 months of the date of this decision the vehicle parking, manoeuvring, and turning areas shall be constructed in accordance with the submitted Drawing no. 13-SHIP-PSP Rev A). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Condition 5 The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered 13-SHIP-PFP, 13-SHIP-PE1, 13-SHIP-PE2 and 13-SHIP-PSP Rev A received by Hambleton District Council on 14, 27 and 28 June, 21 August and 8 October 2013 unless otherwise approved in writing by the Local Planning Authority.

- 5.8 In essence the applicant has confirmed that the current application seeks to gain planning permission for the continuation of site operations as a petrol station and retail shop, including a preparation area for hot and cold food for sale on the premises (with the benefit of an accurate red line plan) together with alterations to the arrangements for the provision of parking, manoeuvring and turning areas within the site.

6.0 PLANNING POLICY AND GUIDANCE

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:

Hambleton Local Plan – February 2022
Minerals and Waste Joint Plan, adopted 2022

Emerging Development Plan - Material Consideration

- 6.3. The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

7.0 CONSULTATION AND RE-CONSULTATION RESPONSES

Re-consultation

- 7.1 A 21 day consultation was undertaken on 20.9.2023. The following consultation responses have been received which are summarised (please see website for full details).
- 7.2 Shipton by Beningbrough Parish Council - No further comments to make.
- 7.3 Trading Standards (Petroleum certificate) - North Yorkshire Trading Standards act as the Petroleum Enforcement Authority (PEA) for North Yorkshire. Our statutory purpose is to issue petroleum storage certificates under the Petroleum (Consolidation) Regulations 2014 certification scheme. As such, this Authority would only be able to comment on matters relating to petroleum storage and dispensing. Having reviewed the application and taking

into account our previous certification of this site for the storage and dispensing of petrol, we have no objection to the proposal as it does not impact the arrangements for the storage and dispensing of petrol.

- 7.4 Highways Authority consultation response (19 October 2023): Note to the Planning Officer: This recommendation supersedes the recommendation dated 05 October 2023. The following is a commentary regarding various aspects of the application to help Members with their decision when determining the application. There are some issues that have been raised as part of the consultation process and this preamble is provided to give some background on some of the pertinent matters raised. In preparation of the recommendation officers have visited the site to consider the planning application.

Description of Network and the site

The application site is on the eastern side of A19 approximately 1 mile north of Shipton by Beningbrough. The A19 is a highway which is maintainable at the public's expense by North Yorkshire Council acting as Local Highway Authority. Previously the A19 was a Trunk Road however Highways England de-trunked the A19 in 2003 whereupon North Yorkshire County Council took over the statutory duties in relation to this main road. Due to the recent Local Government Reorganisation North Yorkshire County Council ceased to exist and now the new Council, North Yorkshire Council is the Local Highway Authority for the A19 between the A168 at Thirsk and the City of York boundary. The application site itself has been operating as a petrol filling station for a number of years. Indeed, there is reference in the Officers report to application 13/1238/FUL which makes reference to an historic application - 79/131/0019D - construction of a forecourt canopy which would suggest that the site has been operating in some capacity for at least 40 years.

Proposals

The proposal seeks permission for continuation of site operations as a petrol station and retail shop (to include hot and cold food preparation for sale on premises). There are also alterations to the arrangement for the provision of parking, manoeuvring and turning also to be considered as part of the application. The petrol station element and the shop (including the hot and cold food preparation) are in operation now. Whilst there may be an element of primary trips generated by the hot and cold food use, given that it is currently in operation, any trips generated by this use are already present on the network. The alterations for the provision of parking and manoeuvring as detailed have not been implemented.

Injury Collision History of the A19 in the vicinity of the site - in terms of injury collision history adjacent to the site on the A19 there have been no reported injury collisions within 100m of the site over the last 5 years. The Local Highway Authority are not aware of a recurrent injury collision problem at this site and are not proposing any highway improvements on road safety grounds to the area.

Site red line and extent of the highway

The current red line of the site includes an area of highway maintainable at the public expense. The surfacing of this area has changed since 2013 when a previous planning application here was determined. A section of highway verge has been hard surfaced in concrete and is utilised as part of the forecourt; however, the relevant permissions (e.g., a Section 278 or Section 184 agreement) from the Local Highway Authority cannot be found. The Local Highway Authority has reviewed this matter and does not object to the change of surfacing and is not intending to pursue the issue. Whilst the surfacing of the highway has changed, it is not considered that this prevents the public from exercising their rights to pass and repass. Any brief parking or loading in this area is consistent with similar activity that commonly takes place on the public highway. The applicant may wish to "Stop Up" under

Section 247 of the Town and Country Planning Act 1990 the area of highway maintainable at public expense to regularise the status of this area. The term "Stop Up" relates to a process whereby the highway status is removed from an area of land and the control reverts to the freeholder of the sub soil. The Local Highway Authority would not object in principle to the area becoming private should the applicant wish to pursue this option.

Highways Support Statement

As part of the ongoing discussions with the Planning Authority and the Applicant's agent a Highways Support Statement has been submitted to support the proposals. This is the document dated 12 September 2023. There is also a revised site plan within the document (drawing AMA/21033/SK002 Issue P1 Dated 12 September 2023). Within the statement there are plans showing how the forecourt, parking spaces and deliveries will operate with a new layout. The plan indicates that extra lining will be implemented to direct users around the site. The proposals are reliant on good common sense from the drivers visiting the site and are acceptable to the Local Highway Authority. The plans show that the site can be accessed by delivery vehicles and that the cars visiting the site can access the parking spaces proposed independently ie. access to the spaces does not rely on adjacent spaces being unoccupied. Local representations have been raised with respect to the absence of customer HGV or Tractor parking however our standards do not require such facilities for this land use. The Local Highway Authority does not have any concerns with the submitted Statement or revised site plan.

Issues raised by an objector in relation to parking and queuing on the A19

As part of the application process issues have been raised and the Local Highway Authority has been provided some evidence of parking and queuing on the A19 in the vicinity of the site. The evidence has been considered however the Local Highway Authority is not aware of a persistent problem in relation to parking and queuing here. Indeed we are not aware of any other representations from the Police, Parish Council or the general public in relation to these matters. The injury accident history at this location also suggests that there is not a significant problem here in relation to parking or queuing concerns raised.

Other matters

An objector has submitted a Safety Audit of the site they commissioned themselves. Many of the issues were raised were in relation to the internal layout of the petrol station which the applicant has sought to address. It is apparent that there are access issues associated with this site and the neighbour to the south; however, this is considered a civil dispute and not a matter for the Local Highway Authority. The effects that the proposals as submitted would have on the highway safety on the A19 are matters for the Local Highway Authority which have been considered as part of the application process.

Conclusion

The advice in the Government document National Planning Policy Framework paragraph 111 states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe". The Local Highway Authority has considered the aspects of this application and the matters raised by third parties. As such, it is the opinion of the Local Highway Authority that a refusal based on the proposal's effect on highway safety could not be sustained. We would however recommend that the proposed layout is implemented to formalise the traffic management within the site which will have benefits to the users/ visitors within the site and ultimately to those users/visitors accessing and egressing the A19. Consequently the Local Highway Authority recommends that the following condition is attached to any permission granted: Provision of Approved Turning

and Parking Areas The parking, manoeuvring and turning areas for all users shall be constructed in accordance with the details on drawing number AMA/21033/SK002 Issue P1 Dated 12 September 2023. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times. Reason for Condition: To ensure that the parking and servicing areas are kept accessible to vehicles and that circulation areas are available for the free flow of traffic on the site. In the interests of highway safety and general amenity of the development.

Officer Note:

The Highway Authority was asked the specific of the necessity or otherwise for entry and exit signage from the site. The Highway Authority has made the following statement on this point:

“Ultimately, as there is no relevant collision history linked to the current operation of the site in the last five years – it would be difficult insist that the applicant provide signage. A refusal on this point on highway safety grounds would be difficult to sustain. Typically filling stations in the UK operate on a left in, left out basis, which is the case here. “

Additional Highway Authority Note received 12 December 2023:

The garage site has been operating for a number of years without a formal one-way system to inform vehicle routing and there is no record of relevant collision history (on the highway) linked to the current operation of the site in the last five years to suggest that there is an evidenced highway safety issue. On this basis it is considered that the proposed arrangement would not be detrimental to highway safety compared to the existing and therefore, that it is not necessary to require additional roadside signage pursuant to the current application. We consider that vehicles would be able to circulate around the one-way system and there is sufficient space within the private site for the circulation of vehicles and to allow vehicles to turn around and exit to the A19 in a forward gear.

Painted arrows are a common situation both on the highway and off (such as in car parks) and their temporary obstruction by vehicles driving or queueing over them is not generally a concern. A relevant planning condition has been proposed to mitigate longer term parking outside of designated areas. It is also considered that there would be illumination from both vehicle headlights and the forecourt illumination from canopy lights to make any markings legible during the hours of darkness.

- 7.5 National Highways: No objection.
- 7.6 North Yorkshire Police: No comments to make in relation to designing out crime.
- 7.7 Environmental Health (Contaminated Land) – No objections.
- 7.8 Environmental Health (residential services) - No additional comments to make over and above those already submitted.
- 7.9 Licensing Team: Confirm that the premises is licensed and any changes to the premises licence plans will require a variation application. Other than this, have no comments or observations.
- 7.10 A 10 day re-consultation exercise was undertaken on the 15.5.2023. The representations received are summarised below (please see website for full comments).
- 7.11 Highways England: No objections.
- 7.12 Highways Authority: Superseded by response dated 19 October 2023

- 7.13 Environmental Health (residential services): No additional comments
- 7.14 Neighbour -objects as summarised; The objector is concerned that the routeing does not work and seeks to demonstrate this by the submission of a video entitled “*Caravan Stuck In North Road Garage Car Park*” which forms part of the representations available to view on public access.
- 7.15 A 10-day re-consultation exercise was undertaken on 20.3.2023. The representations received are summarised below, however, please see website for full comments:
- 7.16 Environmental Health (residential services) - No additional comments to make over and above those already submitted.
- 7.17 Environmental Health (contaminated land) - No comments.
- 7.18 Highway Authority – Superseded by consultation response dated 19 October 2023, set out above.
- 7.19 National Highway Authority – Offer no objection
- 7.20 Parish Council: Will not be making any comments or response.
- 7.21 Neighbour – Objects as follows in summary: The Plan submitted is incorrect as it fails to show the Highway correctly. All that has been denoted is that which is tarmac. The grass verge has been omitted. As there is no stopping up order in place, as per Highway and Planning legislation, the grass verge is still part of the Highway. This confirms that the Plans are incorrect. On the Application Form the applicant fails to state that the application encroaches onto the Highway without the required consent and stopping up order. This confirms that the Application Form is also incorrect as the applicant does not have permission of the owner of the Highway. If required I have evidence to prove the true location of the Highway.
- 7.22 Neighbour- Objects as follows in summary: As the takeaway aspect of the “retail shop” is dominant, especially when consideration is given to customer circulation, the application is not for the correct use. The application must be for A5 Use Class.
- 7.23 Neighbour- Object as follows: I have extensive evidence in both video and images of large vehicles using the facilities at the Brookes Garage site:
1. Parking on the A19 and causing obstruction to use the takeaway aspect of the site.
 2. Parking in such a manner on the forecourt as to cause significant inconvenience to others by blocking manoeuvring areas that must be kept free at all times.
 3. Parking in the entrance to the car park, between Brookes Garage and my site, and thus preventing others using the car park.
 4. Being unable to navigate the concrete bollards and then performing dangerous three-point turn and reversing manoeuvres in the car park between Brookes Garage and my site.
 5. Large vehicles becoming trapped in the car park having to rely on all the car parking spaces, including the disabled bays, being empty, between Brookes Garage and my site, to be able to perform dangerous three point turns and reversing manoeuvres.
 6. Trespass onto my site by using the entrance to my site to perform three-point turns. NB: Moving forward, no vehicle from Brookes Garage will be able to use the entrance to my site to perform three point turns as I will soon be securing a highly robust gate to my entrance due to the aggravated trespass. This is in breach of the Criminal Justice and Public Order Act 1994 – 33 – 68. I refer to <https://www.legislation.gov.uk/ukpga/1994/33/section/68> . The large vehicles include: HGVs 1. Tractors 2. Caravans 3. Various vehicles with trailers. Given the issues stated above the applicant must provide parking on his site for large vehicles and

demonstrate that it works. If the applicant fails to provide parking for large vehicles on their site and fail to demonstrate that it works this application must be refused.

- 7.24 Neighbour- Objects as follows in summary: I refer to AMA One Way System. This route is impossible to operate as numerous times a month a fuel tanker (please see Petroleum Certification) parks for up to two hours between the “totem” and “forecourt” with no route through. The access to the site cannot be closed for delivery of fuel as I have a right to use both accesses, in both directions, 24/7. This makes the one-way system a non-starter and a potential danger to life. In addition, when the tanker is making a delivery, vehicles are forced to back up onto the A19 creating a danger to road users.

Please be mindful that potential danger to life is a material consideration in the assessment of this proposal. As such this must be mitigated. If the applicant fails to mitigate the potential danger to life or fails to ensure that the one-way system is kept free 24/7, this application must be refused. The objector has provided images which seeks to highlight their concerns which forms part of their representation available to view on public access.

- 7.25 Neighbour- Objects as follows: The applicant has failed to:
1. Address the concerns raised in Road Safety Review - A19 North Road, Brooke's Garage - 17 March 2022.
 2. Provide an accredited Road Safety Report. If the applicant fails to address the concerns raised in Road Safety Review - A19 North Road, Brooke's Garage - 17 March 2022 or provide an accredited Road Safety Report.

- 7.26 Neighbour –Objects as follows: I provide the following evidence that clearly demonstrates Highways has made a significant error of judgement. This is only a selection of what I witnessed on 20 March 2023 and 22 March 2023.

1. 20 March 2023 – Dalton van obstructs car park
2. 20 March 2023 – Oil Tanker completes three point turn
3. 22 March 2023 – Customer obstructs car park entrance/egress
4. 22 March 2023 – Oil NRG undertakes full reverse action

22 March 2023 – Oil NRG undertakes full reverse action (video)

- there is a full 1 minute and 38 seconds of the dangerous manoeuvre. It is reasonable to conclude that persons at Brookes Garage fully witnessed all of this taking place, as everything happened while the shop was open, either in full view of the shop window or the CCTV. Given that on not one occasion did said persons attempt to rectify or alleviate the situations it is reasonable to believe this is standard practice and that the incidents happen numerous times every day

Officer note: Images and video forms parts of the objector's representation available to view on public access.

In relation to this application, NYCC Highways originally was not in agreement with my position that signage on the Highway must be contained in the TSRGD yet the application was ultimately withdrawn. The above evidence clearly demonstrates that the opinion of Highways was wrong in relation to the access to the car park as it does not work. In light of, and based on, these two fully evidenced failures of NYCC Highways, it suggests that their opinions are clearly not robust enough to be relied upon in relation to Planning or Highways matters. The objector advises that they reserve their right to use the evidence highlighted above, and all other related evidence taken on those days stated and previous days in any future Court of Law.

- 7.27 Neighbour-The following objection is in relation to notice provided to the objector advising that the application and a previous application for advert consent were scheduled to be determined at the Hambleton District Council Planning Committee in February 2023 which the objector advises was a blatant failure of Duty of Care by both HDC Planning and NYCC Highways.

The objector advises that, 'To ensure full transparency, and given that the previously approved application resulted in my successful challenge via a Judicial Review that quashed the approval, it has been suggested that I highlight the following with you. This is to ensure that full consideration can be given by HDC and NYCC before a decision is made on Thursday, as to the cost implications to the public purse, discrediting the planning system, wasting of the Courts time and the burden that this will place on the new North Yorkshire Council at the start of their existence'.

The following is the objector's response to the published officer committee reports in relation to the above mention planning committee meeting.

Advisory Signage TSRGD "The Highway Authority have commented that the Traffic Signs Regulations and General Directions 2016 (TSRGD) is not relevant to this application. The signs are advisory only." I refer to The Traffic Signs Regulations and General Directions 2016 – Schedule 11 - Signs that give information, are advisory or guide traffic <https://www.legislation.gov.uk/uksi/2016/362/schedule/11/made> "PART 1 Provisions applying to signs in Part 2 1. Except for item 75, a warning or information of a description in column 2 of an item in the Part 2 sign table must be conveyed by a sign which is— (a)of the colour and type; and (b)complies with the requirements as to size," and "PART 2 – 74 - Diagrams 833, 834, 835 and 836 - Signs regulating the movement of vehicular traffic into and out of premises with more than one access to a road" Please see TSRGD - Schedule 11 - Part 2 – 74 (attached). This confirms that the statements by NYCC are incorrect and thus the application must be refused.

Condition 3 states: "Within 1 month of the date of this decision a plan to show the areas of manoeuvring and turning shall be submitted for the written approval of the Local Planning Authority. Within 1 month of the date of the approval of the plan showing the areas of manoeuvring and turning the areas shall be made clear and kept clear of any obstruction and retained for their intended purpose at all times."

The applicant and HDC Planning have had 8 months to ensure that this was actioned but instead it is to be a condition within a month of approval. It must be remembered that HDC Planning failed for 9 years to enforce conditions for the 2013 application at this site. As such, it is reasonable to conclude that they will not enforce this condition. As "manoeuvring with turning area." is a fundamental part of the application the condition prevents NYCC Highways and the public a lawful right to consult on the key aspect of the application. The condition negates any approval by NYCC Highways as they are unable to give reasoned consideration without this information. The attempt to condition this aspect demonstrates a fail of the Duty of Care by both HDC Planning and NYCC Highways.

Planning Application – Advisory. It is claimed that "The signs are "advisory" and those with a right of access (easement) are not prohibited from access against the direction indicated in the signage" This negates the full application. As "manoeuvring with turning area." is a fundamental part of the application. In essence, instead of having a free for all, this application proposes having both the free for all and a one way system. With all due respect, that is utter madness, a danger to road users and those visiting my site. This proposal will incite road rage and make the well documented issues even worse.

My Right of Access. It is reasonable to conclude that no law abiding motorist would drive against the direction of the “advisory signs”. It would be doubtful that an insurance company would approve a claim when driving in the wrong direction.

This clearly demonstrates that “The advisory signs would not preclude access to the Wilson building via either the entry or exit route.” is incorrect.

The objector highlights further concerns below in relation to the following paragraphs of the previously published officer planning committee report.

1. 1.1 – “This building is currently vacant.” – This is a false statement and thus this application must be refused.
2. 2.6 – “The absence of appropriate on-site parking and turning space for deliveries results in vehicles parking in a manner that is detrimental to the free flow of traffic on the A19, the adjoining highway, and would be a danger to all road users.” – As Condition 3 states – “Within 1 month of the date of this decision a plan to show the areas of manoeuvring and turning shall be submitted for the written approval of the Local Planning Authority. Within 1 month of the date of the approval of the plan showing the areas of manoeuvring and turning the areas shall be made clear and kept clear of any obstruction and retained for their intended purpose at all times.” – This still remains unaddressed and this failure prevents the required consultation prior to approval.
3. 4.1 – “The Parish Council is also confused with regards to the proposed flow pattern once cars are on the forecourt” – Given that the Parish Council are confused it is reasonable to say that everyone will be confused.
4. 4.2 – “NYCC Highways – Offer no objection.” - As Condition 3 states – “Within 1 month of the date of this decision a plan to show the areas of manoeuvring and turning shall be submitted for the written approval of the Local Planning Authority. Within 1 month of the date of the approval of the plan showing the areas of manoeuvring and turning the areas shall be made clear and kept clear of any obstruction and retained for their intended purpose at all times.” – It is impossible for NYCC Highways to make such a conclusion.
5. 4.2 – “The highway engineer sets out: I do not have an objection to the proposal.” - As Condition 3 states – “Within 1 month of the date of this decision a plan to show the areas of manoeuvring and turning shall be submitted for the written approval of the Local Planning Authority. Within 1 month of the date of the approval of the plan showing the areas of manoeuvring and turning the areas shall be made clear and kept clear of any obstruction and retained for their intended purpose at all times.” – It is impossible for NYCC Highways to make such a conclusion.
6. 4.2 – “I have previously visited the site and assessed the routeing and measured the “pinch point” and confirmed that it works.” - As Condition 3 states – “Within 1 month of the date of this decision a plan to show the areas of manoeuvring and turning shall be submitted for the written approval of the Local Planning Authority. Within 1 month of the date of the approval of the plan showing the areas of manoeuvring and turning the areas shall be made clear and kept clear of any obstruction and retained for their intended purpose at all times.” – It is impossible for NYCC Highways to make such a conclusion.
7. 4.2 – “I have also agreed to the placing of signage within the public highway” – Please see Advisory Signage TSRGD above.
8. 4.2 – “The details shown within planning application 22/01288/ADV accord with the requirements of the Local Highway Authority.” Please see Advisory Signage TSRGD above.
9. 5.1 – “It is important to consider whether the previous reason for refusal 20/00794/MRC that set the following has been addressed. “...turning space for deliveries results in vehicles parking in a manner that is detrimental to the free flow of traffic on the A19, the adjoining highway, and would be a danger to all road users.” - As Condition 3 states – “Within 1 month of the date of this decision a plan to show the areas of manoeuvring and turning shall be submitted for the written approval of the Local Planning Authority. Within 1 month of the date of the approval of the plan showing the areas of manoeuvring and turning the areas shall be made clear and kept clear of any obstruction and retained for their intended

purpose at all times.” – That which is “important” remains unaddressed as such this application must be refused.

10. 5.13 – “Signage would be placed at the back of the highway verge at the site access and egress (on private land that is owned by the applicant and off the adopted highway)” - This is a false statement.

11. 5.21 – “The Highway Authority have commented that the Traffic Signs Regulations and General Directions 2016 (TSRGD) is not relevant to this application. The signs are advisory only.” – Please see Advisory Signage TSRGD above.

12. 5.21 – “The location and size of the signage was discussed with NYCC Highway Authority and this has been confirmed by them.” – Please see Advisory Signage TSRGD above.

13. 5.21 – “The applicant has confirmed that the application proposals do not impact on the adjacent landowners (objectors) easement (registered on the 23rd of December 2019) or their right of way.” - This is a false statement.

14. 5.21 – “The advisory signs would not preclude access to the Wilson building via either the entry or exit route.” - This is a false statement and thus this application must be refused.

15. 5.21 – “it must be borne in mind that planning permission has been granted (reference 22/01435/FUL) for the formation of a new access from the A19 highway” – No application can consider a previous application that has been granted until such time as it is actioned. This must not be borne in mind. This is a false statement.

16. 5.21 – “objectors vacant premises” - This is a false statement and thus this application.

17. 5.21 – “Signage will be placed at the back of the highway verge at the site access and egress (on private land that is owned by the applicant and off the adopted highway)” - This is a false statement.

18. 5.25 – “This is an existing business that has been lawfully established for a number of years.” – Given that conditions remain outstanding from a 2013 Planning Approval I consider this statement disingenuous.

19. 5.25 – “manoeuvring with turning area have been addressed appropriately.” – As confirmed by Condition 3 this is a false statement.

20. 6.1 – 3 – “Within 1 month of the date of this decision a plan to show the areas of manoeuvring and turning shall be submitted for the written approval of the Local Planning Authority. Within 1 month of the date of the approval of the plan showing the areas of manoeuvring and turning the areas shall be made clear and kept clear of any obstruction and retained for their intended purpose at all times.” – Please see Condition 3 above.

Advertisement Consent application

1. 2.0 – “Relevant planning history” – This is incomplete.

2. 4.2 – “Highways North Yorkshire - The details shown within planning application 22/01288/ADV accord with the requirements of the Local Highway Authority.” – Please see Advisory Signage TSRGD above.

3. 4.4 – “The applicants have confirmed that the signage will be non- illuminated.” – This will be a danger to road users as it will not be seen in the dark.

4. 4.4 – “The signage is to be sited on adopted highway land.” – This, according to statements on the previous application is false “(on private land that is owned by the applicant and off the adopted highway)”.

5. 5.10 – “The Highways Authority have commented that the proposed signage accords with their requirements” - Please see Advisory Signage TSRGD above.

6. 5.11 – “The signs are “advisory” and those with a right of access (easement) are not prohibited from access against the direction indicated in the signage.” - Please see Planning Application Advisory above.

7. 5.12 – “The Highway Authority have confirmed that the Traffic Signs Regulations and General Directions 2016 (TSRGD) is not relevant to this application. The signs are advisory only” – Please see Advisory Signage TSRGD above.

8. 5.12 – “the signage would still be visible to users.” - This is a false statement.

9. 5.12 – “The applicant has confirmed that the application proposals do not impact on the adjacent landowners (objectors) easement (registered on the 23rd of December 2019) or their right of way.” - This is a false statement.

I am of the opinion that which is highlighted above demonstrates a gross failure of statutory requirements and Duty of Care of HDC Planning and NYCC Highways. These failures are clearly sufficient grounds for a Judicial Review if these applications are approved. I place on the public record that I fully reserve my right to refer any future decision in relation to these applications for a judicial review.

- 7.28 RAF Linton on Ouse - After reviewing the application documents, I can confirm the MOD has no safeguarding objections to this proposal.
- 7.29 Contaminated Land – No comments received
- 7.30 Trading Standards (Petroleum certificate)- No comments received.
- 7.31 Natural England – No comments received
- 7.32 Yorkshire Wildlife Trust – No comments received
- 7.33 Yorkshire Water Services Ltd – No comments received
- 7.34 North Yorkshire Police (Designing Out Crime)- No comments

Original Consultation

- 7.35 The following consultation responses have been received in relation to the application as originally submitted and have been summarised below.
- 7.36 Shipton-by-Beningbrough Parish Council – The Parish Council would note there is no Highways report regarding the proposals in the application. The PC notes cars entering and exiting this garage are a cause of frequent accidents on the A19. While the entrance/ exit system is felt to be a positive step to trying to mitigate dangers, there is concern that the proposed signage (Entrance Only/ Exit Only) is too large (particularly too high) and will block visibility further for cars exiting the forecourt onto the A19. The visuals of the signs show the station logo which makes the signs considerably larger than necessary. The Parish Council is also confused with regards to the proposed flow pattern once cars are on the forecourt – the logical pattern for cars to maximise flow and minimise obstruction would appear to be a clockwise flow around the back of the building for those parking up to use the shop only. This does not appear to be the case on the plans. Can this be clarified, and an explanation be given?
- 7.37 Highways Authority – Offer no objection. The highway engineer sets out: I do not have an objection to the proposal. I have previously visited the site and assessed the routeing and measured the “pinch point” and confirmed that it works. I have also agreed to the placing of signage within the public highway to give some clarity to the use of access and flow around the site subject to a size and location that does not impact driver visibility. The details shown within planning application 22/01288/ADV accord with the requirements of the Local Highway Authority.
- 7.38 Yorkshire Wildlife Trust – No comments
- 7.39 North Yorkshire Police - Having reviewed the accompanying documents and drawings that were submitted with the application, I have no comments to make in relation to designing out crime.

- 7.40 Environmental Health (contaminated land)- I have assessed the application, and from a contaminated land perspective I have on observations/comments at this stage. Therefore, I have no objections to this application.
- 7.41 Environmental Health (Residential Services) This service has considered the potential impact on amenity and likelihood of the development to cause a nuisance and consider that there will be no negative impact. Therefore, the Environmental Health Service has no objections to the application.
- 7.42 National Highways – offer no objections and recommend approval stating the reason: The improvement works should improve the onsite operation and subsequently minimise the impact on the A19.
- 7.43 MOD – Offer no safeguarding objection.
- 7.44 Site notice/local residents – 10 letters of objection have been received from one person who owns the building south of the subject site. A summary of these are as follows:

Neighbour: I will never stand back and watch Government bodies appear to play Russian Roulette with the public's safety. The objector has submitted six videos highlighting concerns that the proposed traffic system is incapable of working and that traffic using Brookes Garage is a danger to public safety on the A19.

Blocking of entrance to objectors' site - regularly congested and obstructed by customers of, and deliveries to, Brookes Garage despite the requirement of planning condition 4 to the 2013 Planning Permission requiring that such areas must be "...maintained clear of any obstruction and retained for their intended purpose at all times". The objector will not surrender the easement across the highway frontage of Brookes Garage that passes between the A19 and the fuel pumps.

Petroleum Certificate -The NYCC Petroleum License can often prevent the objector's use of the North entrance as temporary closure of access to the Hazardous Zone Area is required during tanker refuelling operations. If HDC approve the current Planning Application for Brookes, the objector claims that access to his site would be fully prevented as users will be unable to enter via the south entrance.

Unaccredited Statements - HDC have accepted and published unaccredited documents (Highways Supporting Statement and a Design & Access Statement).

Parking - On the Planning Application it is claimed that the parking spaces will increase from 12 to 13. The objector considers that the parking provision is inadequate, that parking occurs on the lawful access route to the adjoining site to the south and on the exit route from the Brookes garages site, that the scheme is an overdevelopment and alleges that the increase is dependent on:

- Removing the requirement for landscaping where the site joins objector's site.
- The parking spaces 6 to 11 (6 parking places) on the "Site Plan as Proposed" are marked in the area previously allocated for landscaping. NB: This is currently used for "unofficial" parking.
- When the landscaping is put in place this will result in parking spaces reducing from 12 to 7, of which 2 are for disabled parking. A loss of 5 parking places.
- The application makes no allowance for up to 4 cars that usually park at the residential dwelling.
- The application makes no allowance for staff parking.
- The application makes no allowance for the parking of fuel tankers.

- The application makes no allowance for the parking of vehicles queuing to use the jet wash – this will obstruct the “one-way system” and the delivery access.
- The application makes no allowance for the parking of vehicles to pick up heavy gas bottles from the front of the shop.
- No coach parking or turning space is available.

Parking Signage

Entry – One Way sign is suggested to be placed behind the objector’s “concrete buffers”. The objector states that the applicant has no right of a view across his site.

Highway Safety –

- The proposal fails to address highway safety adequately.
- The site layout results in vehicles waiting on and reversing on to and off the A19, resulting in a dangerous obstruction to traffic on the A19
- The signage at the entry and exit will be a clear obstruction to the required sight lines and thus cause a danger to road safety on the A19.
- As all signage must give their message to road users clearly and unambiguously, how will this be achieved after the entrance?
- As evidenced by the Land Registry the grass verge next to Brookes Garage is not owned by the applicant so where would the required signage be erected?
- All signage on the Public Highway must be contained in the Traffic Signs Regulations and General Directions (TSRGD) 2016 – the suggested signage is not contained in the TSRGD.
- Any prohibition on the Public Highway - as these signs will - can only be enforced with lawful signage and would require a TRO (Traffic Regulation Order). An advertisement consent cannot be approved in relation to giving messages to road users.
- 2013 Application – False Plans. The application must be considered in full knowledge that the application was only approved due to false plans being submitted. These plans claimed that the objector’s land was owned or leased by the applicant. This was, and continues to be, incorrect.

HGV manoeuvres –

- HGVs are unable to both manoeuvre and turn around on the Brookes Garage site and therefore a danger to Highway Safety, resulting in reversing on to and off the A19.

8.0 ENVIRONMENT IMPACT ASSESSMENT (EIA)

- 8.1 This development is not Schedule 1 or 2 development and is not considered to require an Environmental Statement.

9.0 MAIN ISSUES

- 9.1. The key considerations in the assessment of this application are:
- Principle of Development
 - Highway safety
 - Impact on amenity of neighbouring residents
 - Petroleum certificate

10.0 ASSESSMENT

Principle of Development

- 10.1 It is necessary to consider whether the principle of the use of the site as a petrol station and retail shop to include the on-site preparation of hot and cold food for sale on the premises is acceptable.
- 10.2 The principle of a shop (but not the on-site preparation of hot and cold food for sale) has already been established through planning permission, reference number 13/01238/FUL. The petrol station element was established in 1957. The site is in both open countryside and within the York Green Belt and Local Plan strategic policies S1, S5 and S6 apply (including reference to the NPPF).
- 10.3 Policy S1 sets out the Council's priorities in terms of Sustainable Development Principles and states that the Council will seek to ensure that development makes a positive contribution towards the sustainability of communities, enhances the environment and adapts to and mitigates the impact of climate change.
- 10.4 It is considered that the development would support existing communities and make effective and efficient use of land given the utilisation of the existing site and building and the services offered, providing services for the local community. The proposal is in line with promoting Hambleton as a recognised location for business by meeting the needs of expanding businesses and recognising the contribution of the rural economy.
- 10.5 Policy S5, Development in the Countryside, seeks to ensure that new development recognises the intrinsic beauty, character and distinctiveness of the countryside as an asset that supports a high-quality living and working environment, contributes to the identity of the district, provides an attractive recreational and tourism resource and is a valued biodiversity resource. Development in the countryside will only be supported where it is in accordance with national planning policy or other policies of the development plan and would not harm the character, appearance and environmental qualities of the area in which it is located.
- 10.6 The site is an existing petrol station. No built development is proposed. The proposals are not considered to harm the character, appearance or environmental qualities of the area given the nature and location of the existing site.
- 10.7 Policy S6, the York Green Belt is also relevant. Within the Green Belt there is a need to maintain strict controls over the types of development which can be permitted. Proposals for development in the Green Belt will be determined in accordance with relevant national policy.
- 10.8 NPPF Paragraph 147 states that, 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'. Paragraph 148 states that, 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'. Paragraph 149 states that, 'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.
- 10.9 No new buildings are proposed as part of this application and the proposals are not considered to be inappropriate development in the Green Belt. The proposals preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The proposal adds an additional food use into an existing building with is of a permanent and substantial construction.

- 10.10 Whilst the application is for Full Planning Permission and notwithstanding the retrospective nature of the proposals, the site is occupied by a longstanding petrol station activity. Taking into account the existing use of the site and extent of development on the site, it is considered that the proposal is not in conflict with the requirements of Policies S1, S5 or S6.
- 10.11 It is considered the petrol station with the retail element is a rural business and therefore Local Plan Policy EG7: Businesses in Rural Areas is engaged. The Policy states that employment generating development will only be supported in locations outside the main built form of a defined settlement in the settlement hierarchy where it involves:
- a. the expansion of an existing business where it is demonstrated that there is an operational need for the proposal that cannot physically or reasonably be accommodated within the curtilage of the existing site; or
 - b. the re-use of an existing building of permanent, structurally sound construction that is capable of conversion without the need for substantial extension, alteration or reconstruction and can accommodate the functional needs of the proposed use including appropriate parking provision; or
 - c. a new building provided that it is well-related to an existing rural settlement and where it is demonstrated that the proposal cannot be located within the built form of a settlement or an identified employment location; or
 - d. other proposals specifically requiring a countryside location.
- 10.12 As set out in paragraph 5.8 of this report condition 3 imposed on planning permission 13/01238/FUL prohibits the on-site preparation of food for sale. Notwithstanding that prohibition, the on-site preparation of food and the sale of that food is sought through this planning application.
- 10.13 The purpose of Policy EG7 is to promote a vibrant rural economy within the district's extensive countryside to support businesses with a genuine need to be located in the countryside. In terms of this Policy, it is considered that the proposal is compliant with subparagraph (d). It comprises a change to the operation of an existing business (to allow the on-site preparation of food for sale), that requires a countryside location (given the existing location of that business).
- 10.14 Local Plan Policy EG3 states that outside the defined centres in the hierarchy, the Council will seek to maintain and, where appropriate, enhance retail facilities that provide for local needs. It is considered that the retail element of the business does provide for local needs and that the provision of food prepared and sold on the premises will enhance that provision. It is noted that there is no facility of this kind within the village of Shipton by Beningbrough, which is the nearest settlement (and less than a mile away from the site).
- 10.15 It is considered that uses comprised in the proposal, and therefore the principle of the proposed development, accord with the Council's Local Plan Policies.

Impact on Residential Amenity

- 10.16 Policy E2 Amenity states that all proposals will be expected to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use. The purpose of this policy is to ensure that the physical environment created by new development protects and promotes a high standard of amenity both for future occupiers and users, and for surrounding uses.

- 10.17 The site is located adjacent to the A19. One residential property is sited directly adjacent the site. This dwelling is sited within the submitted blue line area and is owned by the applicant.
- 10.18 Having regard to relevant provisions of policy E2, it is considered that the proposal is compliant for the following reasons:
- There would be no loss of daylight or sunlight as a result of the proposed use and no significant overshadowing effects;
 - The proposal would not be overbearing or oppressive, and will not result in overlooking causing a loss of privacy for any residents;
 - There would be no significant adverse impacts in terms of noise including internal and external levels, timing, duration and character, Additionally the Environmental Health service have commented that it has considered the potential impact on amenity and the likelihood of the development to cause a nuisance and consider that there will be no negative impact. The Environmental Health Service has no objections to the application.
 - Adequate and convenient provision is made for the storage and collection of waste and recycling to the rear of the main building;
 - There would be no adverse effect on safety near a notifiable installation and no increase in the number of people that would be put at risk in the vicinity of a notifiable installation.

Highway Matters

- 10.19 National Planning Policy Framework paragraph 111 states: “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.
- 10.20 Policy IC2 Transport and accessibility states that the Council will work with other authorities and transport providers to secure a safe and efficient transport system that supports a sustainable pattern of development that is accessible to all.
- 10.21 The applicant proposes a number of alterations to the internal layout. These are described by the applicant as follows:
- Additional customer parking is provided compared to 12 existing car parking spaces as well as an area for the manoeuvring of service vehicles delivering to the site and customer routeing throughout the site.
 - Relocation of the five parking spaces to the rear of the existing store, the introduction of a new internal one-way circulation system and the formalisation of the delivery area and company van parking to the rear of the store.
 - The parking spaces would be relocated to the south of the building regularising the parking area adjacent to spaces 11 and 12.
 - One additional parking space would also be provided, taking the total car parking provision to 13 spaces and 1 light goods vehicle space. The relocation of parking creates two formal parking areas and facilitates the introduction of a specific delivery area to the rear of the main building.
 - A designated company van parking space would be provided to the north of the jet car washing facility.
 - A one-way system would be put in place, directing vehicles around the southern extent of the store through directional road markings.

- The applicant has stated that the introduction of the concrete bollards by the adjacent landowner to delineate his boundary leaves a 3.7m distance between the bollards and the building. This has been reduced to 3.2m to provide an additional safe distance for vehicles.
- Refuse Collection and Servicing will be conducted to the rear of the store, forming a service area which is facilitated by the relocation of the five car-parking spaces.

10.22 As part of the application, the applicant is seeking permission for the preparation of hot and cold food for sale on premises. This activity is currently taking place on site (without the benefit of permission). Food was sold on site as part of the business; however, this was prepared off site by third party suppliers and delivered to site by those companies using their delivery service vehicles. In relation to the preparation of food on-site, the applicant has confirmed that all ingredients are sourced from existing suppliers and the level of deliveries will remain the same (i.e. when compared with the delivery of prepared food only).

10.23 The description of the proposal has been amended to reflect the preparation and sale of hot and cold food. It is considered that the provision of food prepared on the premises may attract visitors to the shop who are not making a linked trip for fuel. The applicant has given an indication of the relatively extensive range of food that would be provided as follows:

Sandwiches (Hot and Cold, including things like Bacon and Sausage)

Pastries (savoury and sweet)

Salads

Pastas

Quiche

Wraps

Cakes

Brownies

Pate

Cooked Meats & Charcuterie

Smoked Salmon & other seafood lines

Cheeses

Coffee & Hot Drinks to Go

Hot food to go - sausage rolls, bakes

10.24 The applicant's agent has indicated that all cooking will be done in a conventional oven sited within the stock room of the premises. There will be no indoor seating and all food would be taken off the premises.

10.25 The Highways Authority have advised that, whilst there may be an element of primary trips generated by the hot and cold food use, given that it is currently in operation, any trips generated by this use are already present on the network. As far as the level of trip generation is concerned, the Highways Authority raises no objection in terms of the impact of the proposal on the safe operation of the highway network.

10.26 In regard to the parking on the site, a specific layout was approved under the 2013 planning permission. However, it became evident to the Council that the parking had not been laid out as shown in accordance with these plans. A subsequent application was submitted to seek to vary the approved plans under planning reference no.: 20/00794/MRC. This was refused planning permission for the following reason:

"The revised layout of the site fails to provide a safe environment for customers to visit whilst utilising the shop and deli facility. The absence of appropriate on-site parking and turning space for deliveries results in vehicles parking in a manner that is detrimental to the

free flow of traffic on the A19, the adjoining highway, and would be a danger to all road users. The proposal is therefore contrary to Local Development Framework policies CP1, DP3 and DP4 and as the proposal would result in an unacceptable impact on highway safety the proposal is also contrary to the NPPF, noting particularly the provisions of paragraph 109."

- 10.27 At the time of the 2020 application the Highways Authority recommended the refusal of the planning application on the following grounds:
- "The Planning Authority considers that in the absence of adequate on-site parking and manoeuvring space the proposed development would be likely to result in vehicles being parked in a manner that is detrimental to the free flow of traffic within the site with consequent danger to users."
- 10.28 The applicant appealed against the 2020 decision to the Planning Inspector who dismissed the appeal owing to the fact that third party evidence including a Land Registry Title Plan showed part of the land subject to the planning appeal to be outside the ownership of the appellant. The Inspector concluded that in such instances Section 13 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires that an applicant for planning permission must give requisite notice of the application to any person (other than the applicant) who on the prescribed date is an owner of the land to which the application relates.
- 10.29 Additionally in arriving at his decision the Inspector commented that he was not presented with any evidence that the above requirements of notification to other owners have been complied with and so on this basis the appeal was dismissed.
- 10.30 The Highways Authority in relation to this specific planning application (22/01117/FUL) have raised no objection.
- 10.31 As set out in the consultations section of this report the application has received a number of objections, some of which focus on highway safety issues. Regarding these, the following should be noted:
- No signage, either internal or external is now proposed as part of the amended application so consideration of the Traffic Signs Regulations and General Directions 2016 (TSRGD) does not arise.
 - The applicant has confirmed that the application proposals do not impact on the adjacent landowners (objectors) easement (registered on the 23rd of December 2019) or their right of way.
 - The applicant has confirmed that the current application does not alter any of the entrance or exit points to the site.
 - It must be borne in mind that planning permission has been granted (reference 22/01435/FUL) for the formation of a new access from the A19 highway into the objector's premises to the south of the subject site. This new access has been formed some 10 metres north of the adjacent building. A supporting statement accompanying the planning application dated April 2022 states that the proposed new access would be formed in the verge in the position indicated on the accompanying plans and be formed to create a one-way system within the site to avoid potential conflict at the entrance.
 - There would be no additional floor space resulting from the proposal.
 - Similarly, the applicant is proposing to relocate parking spaces to the south of the building, regularising the parking area adjacent to spaces 11 and 12 as set out in the existing site layout plan. One additional parking space will also be provided, taking the total parking provision to 13 spaces.
 - The relocation of parking creates two formal parking areas and facilitates the introduction of a specific delivery area to the rear of the main building. A designated

company van parking space will be provided to the north of the jet car washing facility. To ensure the relocated parking spaces are accessible following the use of the pumps, a one-way system would be put in place, directing vehicles around the southern extent of the store through directional road markings.

- The current red line of the site includes an area of highway maintainable at the public expense. The surfacing of this area has changed since 2013 when a previous planning application here was determined. A section of highway verge has been hard surfaced in concrete and is utilised as part of the forecourt; however, the relevant permissions (e.g., a Section 278 or Section 184 agreement) from the Local Highway Authority cannot be found. The Local Highway Authority has reviewed this matter and does not object to the change of surfacing and is not intending to pursue the issue. Whilst the surfacing of the highway has changed, it is not considered that this prevents the public from exercising their rights to pass and repass. Any brief parking or loading in this area is consistent with similar activity that commonly takes place on the public highway.

- 10.32 Within the applicant's supporting Highways Statement there are plans showing how the forecourt, parking spaces and deliveries will operate with a new layout. The plan indicates that extra lining will be implemented to direct users around the site. The proposals are acceptable to the Highways Authority. The plans show that the site can be accessed by delivery vehicles and that the cars visiting the site can access the parking spaces proposed independently ie. access to the spaces does not rely on adjacent spaces being unoccupied. Local representations have been raised with respect to the absence of customer HGV or Tractor parking however the Highways Authority's standards do not require such facilities for this land use. The Highway Authority does not have any concerns with the submitted Statement or revised site plan.
- 10.33 As part of the application process the Highways Authority has been provided with some evidence of parking and queuing on the A19 in the vicinity of the site. However, the Highways Authority does not consider there to be a persistent problem in relation to parking and queuing at this location on the A19. The Highways Authority are not aware of any other representations from the Police, Parish Council or the general public in relation to these matters. The injury accident history at this location also suggests that there is not a significant problem here in relation to the parking or queuing concerns raised.
- 10.34 An objector has submitted a Safety Audit that they commissioned. Many of the issues raised were in relation to the internal layout of the petrol station which the applicant has sought to address. The effect of the proposals on the safe operation of the A19 have been considered by the Highways Authority (as referred to above). It is apparent that there are access issues associated with this site and the neighbour to the south; however, this is considered a civil dispute. The effects that the proposals as submitted would have on the highway safety on the A19 are matters for the Local Highway Authority which have been considered as part of the application process.
- 10.35 The Highway Authority have confirmed that, in terms of injury collision history adjacent to the site on the A19 there have been no reported injury collisions within 100m of the site over the last 5 years. The Highways Authority are not aware of a recurrent injury collision problem at this site and are not proposing any highway improvements on road safety grounds to the area.
- 10.36 In regards to the removal of signage from the proposal the Highway Authority Have advised that ultimately, as there is no relevant collision history linked to the current operation of the site in the last five years. A refusal on this point on highway safety grounds would be difficult to sustain. Typically filling stations in the UK operate on a left in, left out basis, which is the case here. The Highway Authority advise that the garage site has been operating for a number of years without a formal one-way system to inform vehicle routing and there is no record of relevant collision history (on the highway) linked to the current

operation of the site in the last five years to suggest that there is an evidenced highway safety issue. On this basis it is considered that the proposed arrangement would not be detrimental to highway safety compared to the existing and therefore, that it is not necessary to require additional roadside signage pursuant to the current application. The Highways Authority consider that vehicles would be able to circulate around the one-way system and there is sufficient space within the private site for the circulation of vehicles and to allow vehicles to turn around and exit to the A19 in a forward gear. The Highways Authority consider that painted arrows are a common situation both on the highway and off (such as in car parks) and their temporary obstruction by vehicles driving or queueing over them is not generally a concern. A relevant planning condition has been proposed to mitigate longer term parking outside of designated areas. The Highways Authority also advise that there would be illumination from both vehicle headlights and the forecourt illumination from canopy lights to make any markings legible during the hours of darkness.

- 10.37 In summary, the Highways Authority has considered this application and the matters raised by third parties. It is the opinion of the Highways Authority that a refusal based on the proposal's effect on highway safety could not be sustained. They do however recommend that the proposed layout is implemented to formalise the traffic management within the site which will have benefits to the users/ visitors within the site and ultimately to those users/visitors accessing and egressing the A19.
- 10.38 Taking the above into account it is considered that highway safety would not be compromised as a safe physical access can be provided to the proposed development from the highway network. It is considered that the highway network can accommodate the development. Additionally adequate provision is made for servicing access together with appropriate provision for parking. Pedestrian access would largely be to the front and side of the site from vehicle to shop and petrol pumps and vice versa, rather than to the rear of the site to the frontage of the site and vice versa. It is considered that there is space for vehicle circulation within the site and for vehicles to pass one another, reverse and maneuverer of which speeds would be low within the site. It is acknowledged that given the location and nature of the site the development is less well integrated with footpath and cycling networks and public transport and does not minimise the need for travel or maximise sustainable travel options.
- 10.39 It is therefore considered that having regard to the above, the proposal is largely compliant with Local Plan Policy IC2: Transport and Accessibility and the overarching principles of the National Planning Policy Framework.

Petroleum Certificate

- 10.40 As set out in the consultation section of the report, concerns have been raised in respect of the extant petroleum certificate.
- 10.41 Trading Standards officers were consulted in relation to this issue. Their comments made via letter dated 28 October 2022 are in relation to: general considerations of the petroleum certificate, turning circle, submitted plans (in relation to the petroleum certificate), concrete blocks, plans and right of way. These are as follows:
- 10.42 It should be noted that the criteria for the consideration of the issue of a petroleum certificate are solely those set out in Regulation 6 of the Petroleum (Consolidation) Regulations 2014. That is, whether North Yorkshire County Council, as the petroleum enforcement authority, is '...satisfied that the containment system for petrol at the dispensing premises, including storage tanks, pipework, and dispensers, may reasonably be used to store petrol and would not create an unacceptable risk to the health or safety of any person.' The petroleum enforcement authority shall only provide comment in respect of

matters outlined above by addressing the requirements of Regulation 6 of the Petroleum (Consolidation) Regulations 2014.

- 10.43 For fuel delivery tankers accessing the site, the position and location of the tanker stand follows the APEA Blue Guide by allowing tankers to enter the site and unload without the need to reverse or make other manoeuvres and provides a clear exit route in a forward direction. In this instance, upon entry to the site via the north entrance/exit, the fuel delivery tanker drives onto the designated fuel delivery stand parallel to the A19. Following the fuel drop, the tanker drives forward to exit the site via the south entrance/exit.
- 10.44 The designation of the tanker stand means that the tanker does not use a turning circle or other similar manoeuvre. Consideration has been made of other on-site activities and vehicle movements such as shop or car wash customers and other delivery vehicles on the site, based on the submitted plans and a site visit. The Blue Guide sets out considerations for vehicle movements as far as such movements could impact on the safety of containment and dispensing of petrol.
- 10.45 The introduction of a one-way system for vehicles accessing the site, along with clear signage would also follow the APEA Blue Guide by further reducing the possibility of vehicles making unnecessary manoeuvres on the forecourt as this activity takes place to the rear or side of the shop. Designated parking spaces and the area for non-petroleum deliveries are currently sited outside of the immediate forecourt area and allows manoeuvres to be made without compromising safety around the fuel dispensers. (officer note: consultation response in relation to the removal of signage from the proposal is awaited),
- 10.46 The plans that were submitted to our service are satisfactory for petroleum certification purposes and have been considered during a site visit. Our inspector did note that whilst parking spaces to the rear of the shop building were depicted on the plans they were not actually marked up for use as parking areas on site, this in turn gave greater space for vehicle manoeuvre to the rear of the shop. This is not in the vicinity of the forecourt area or any dispensing of fuel. It does not impact arrangements for the containment or dispensing of petrol.
- 10.47 The concrete blocks on the site perimeter do not affect the containment system for petrol and are not in the vicinity of the forecourt area.
- 10.48 Issues relating to rights of way are civil matters, and not a consideration for petroleum certification. NYC Trading Standards (in a further letter to the Objector dated 14 November 2022) states that during tanker fuel delivery it is not necessary to close this site in full, however, it is necessary to temporarily close areas that are within the hazardous zone. It is possible to close off all fuel deliveries without closing down the whole site.
- 10.49 The bollards are not sited on the tanker delivery area and the tanker does not enter the area where the concrete blocks are located. The tanker or fuel delivery is not inhibited by the concrete bollards and the bollards are not within the hazardous zone. Details associated with the rights of access are not a petroleum licensing function.
- 10.50 Trading Standards were reconsulted on the amended description, plans and information submitted and advised on 8 November 2023 that they act as the Petroleum Enforcement Authority (PEA) for North Yorkshire. Their statutory purpose is to issue petroleum storage certificates under the Petroleum (Consolidation) Regulations 2014 certification scheme. As such, they would only be able to comment on matters relating to petroleum storage and dispensing. Having reviewed the application and taking into account their previous certification of this site for the storage and dispensing of petrol, they have no objection to

the proposal as it does not impact the arrangements for the storage and dispensing of petrol.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 The proposal is considered to be compliant with relevant policies of the Development Plan as set out in this report. In addition, the proposal meets complies with relevant aspects of national policy and accords with the 3 strands of sustainability contained within that national policy.
- 11.2 The Economic Objective - The economic benefits are, in accordance with the NPPF, afforded some positive weight. The applicant has indicated that there would be the creation of two new full time staff jobs.
- 11.3 The Social Objective - The proposed development generates some benefit by improvement to the retail function of the shop.
- 11.4 The Environmental Objective – There is no significant environmental impact.
- 11.5 It is considered that the proposals comply with the Development Plan as a whole.

12.0 RECOMMENDATION

- 12.1 That planning permission be **GRANTED** subject to conditions listed below:

Recommended conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The parking, manoeuvring and turning areas for all users shall be constructed in accordance with the details on drawing number AMA/21033/SK002 Issue P1 Dated 12 September 2023. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To ensure that the parking and servicing areas are kept accessible to vehicles and that circulation areas are available for the free flow of traffic on the site. In the interests of highway safety and general amenity of the development.

3. The permission hereby granted shall not be undertaken other than in complete accordance with the following drawings:

Site Location Plan submitted 12 May 2023
 Site Plan as proposed. Drawing 002 Rev. E. Submitted 18 August 2023
 Proposed Floor Plan. Drawing 004 Rev. A. Submitted 12 May 2023
 Highways Supporting Statement submitted 13 September 2023
 AMA/21033/SK002 Issue P1 Dated 12 September 2023

Reason: In order that the development provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with Local Plan Policies E2: Amenity Local Plan Policy IC2: Transport and Accessibility.

4. Planning permission is granted for food to be prepared and sold on the premises only. There should be no indoor or outdoor seating or standing space provided for the consumption of food and food should be consumed off the premises.

Reason: To clarify the scope of the planning permission and limit the food use to that of preparation and sale only.

5. Notwithstanding the provisions of any Town and Country Planning (Use Classes) Order and any Town and Country Planning General or Special Development Order for the time being in force relating to 'permitted development' the premises shall not be used for any purpose other than a petrol filling station and associated shop for the sale of convenience goods and for the preparation and sale of hot and cold food on the premises for consumption off the premises in accordance with the note entitled 'illustrative food items for sale' dated 13.9.2023 and Proposed Floor Plan. Drawing 004 Rev. A. Submitted 12 May 2023.

Reason: To clarify the scope of the planning permission and limit the planning permission to that applied for and considered.

Target Determination Date: 20 February 2023

Case Officer: Ann Rawlinson, ann.rawlinson@northyorks.gov.uk

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