

**Meeting:** Richmond (Yorks) Area Constituency Planning Committee

**Members:** Councillors David Hugill, Heather Moorhouse (Vice-Chair), Karin Sedgwick, Angus Thompson, Steve Watson, David Webster (Chair) and Kevin Foster.

**Date:** Thursday, 11th July, 2024

**Time:** 10.00 am

**Venue:** Swale Meeting Room, Mercury House, Station Road, Richmond, DL10 4JX

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 if you have any queries.

Recording is allowed at Council, committee and sub-committee meetings which are open to the public. Please give due regard to the Council's protocol on audio/visual recording and photography at public meetings. Anyone wishing to record is asked to contact, prior to the start of the meeting, the named democratic services officer supporting this committee. We ask that any recording is clearly visible to anyone at the meeting and that it is non-disruptive.

The Council operates a scheme for **public speaking at planning committee meetings**. Normally the following people can speak at planning committee in relation to any specific application on the agenda:

- a speaker representing the applicant,
- a speaker representing the objectors,
- a parish council representative,
- and the local Division councillor.

Each speaker has a maximum of three minutes to put their case. If you wish to register to speak through this scheme, then please notify Stephen Loach, Principal Democratic Services Officer and David Smith, Democratic Services Officer (contact details below) by midday on Monday 8<sup>th</sup> July 2024. If you are exercising your right to speak at this meeting, but do not wish to be recorded, please inform the Chair who will instruct anyone who may be taking a recording to cease while you speak.

This meeting is being held as an in-person meeting that is being broadcasted and will be available to view via the following link [Live meetings | North Yorkshire Council](#). Please contact the named democratic services officer supporting this committee if you would like to find out more.

You may also be interested in subscribing to updates about this or any other North Yorkshire Council committee - <https://edemocracy.northyorks.gov.uk/ieLogon.aspx?RPID=4452570&HPID=4452570&Forms=1&META=mgSubscribeLogon>.

## Agenda

1. **Apologies for Absence**
2. **Minutes for the Meeting held on 13th June 2024** (Pages 3 - 10)  
To confirm the minutes of the meeting held on 13th June 2024 as an accurate record.
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. **ZD24/00080/FULL - Full Planning Permission for Change of use of Unused Garage Workshop to Tills / Retail area of Petrol Filling Station Including Alterations to Front Elevation (Retrospective) - Penny Petroleum, Scorton Road, Brompton On Swale, Richmond, DL10 6AB** (Pages 11 - 22)  
Report of the Assistant Director Planning – Community Development Services.
- 4(a) **Update List - July 2024** (Pages 23 - 26)
5. **Such other business as, in the opinion of the Chair should, by reason of special circumstances, be considered as a matter of urgency**
6. **Date of Next Meeting**  
10.00am, Thursday, 8<sup>th</sup> August 2024 - venue 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:**

Stephen Loach, Principal Democratic Services Officer  
Tel: 01609 532216  
Email: [steven.loach@northyorks.gov.uk](mailto:steven.loach@northyorks.gov.uk)

David Smith, Democratic Services Officer  
Tel: 07542 029870  
Email: [david.smith1@northyorks.gov.uk](mailto:david.smith1@northyorks.gov.uk)

Wednesday, 3 July 2024

## North Yorkshire Council

### Richmond (Yorks) Area Constituency Planning Committee

Minutes of the meeting held on Thursday 13<sup>th</sup> June 2024 commencing at 10.00 am at County Hall, Northallerton.

Councillors David Webster (Chair), Kevin Foster, David Hugill, Tom Jones (As substitute for Councillor Angus Thompson), Heather Moorhouse and Steve Watson.

Officers present:-

Peter Jones, Fiona Hunter, Ian Nesbit and Caroline Walton - Planning Services; Frances Maxwell and Laura Zielinski – Legal Services; Stephen Loach - Democratic Services

Eighteen Members of the public including seven registered speakers.

---

**Copies of all documents considered are in the Minute Book**

---

#### **109 Apologies for Absence**

Councillors Karin Sedgewick and Angus Thompson

#### **110 Minutes for the Meeting held on 11th April 2024**

The minutes of the meeting held on Thursday, 11<sup>th</sup> April 2024 were confirmed and signed as an accurate record.

#### **111 Declarations of Interests**

There were no declarations of interest.

#### **Planning Applications**

The Committee considered reports of the Assistant Director Planning – Community Development Services relating to applications for planning permission. During the meeting, Officers referred to additional information and representations which had been received.

Except where an alternative condition was contained in the report or an amendment made by the Committee, the condition as set out in the report and the appropriate time limit conditions were to be attached in accordance with the relevant provisions of Section 91 and 92 of the Town and Country Planning Act 1990.

In considering the report of the Assistant Director Planning – Community Development Services regard had been paid to the policies of the relevant development plan, the National Planning Policy Framework and all other material planning considerations.

Where the Committee granted planning permission in accordance with the recommendation in a report this was because the proposal is in accordance with the development plan, the National Planning Policy Framework or other material considerations as set out in the report unless otherwise specified below.

**112 20/00892/OUT - Outline Application with Some Matters Reserved for 3 No Commercial Units, Associated Parking and Access - Land North of Green Howards Road, Richmond North Yorkshire**

Considered :-

The Assistant Director Planning – Community Development Services sought determination of a planning application for outline planning permission with some matters reserved for 3 No. commercial units, associated parking and access at land north of Green Howards Road, Richmond North Yorkshire.

The application was referred to this committee following an accepted “call-in” request by the Divisional Member. The reasons raised were harm to open spaces, the northern boundary of Richmond and the development being visible from many locations around the settlement.

The following update to the report was outlined:

Alterations to paragraph 10.14 of the report and an update to the recommendation as the original site plan had not included the site entrance, were provided in the updates report circulated and published prior to the meeting.

During consideration of the above application, the Committee discussed the following issues:-

- The difficult road on the access to the application site, however, it was acknowledged that highways had no concerns with regards to the application.
- The view of the proposed development from nearby areas would not be obtrusive
- Further measures to provide additional carbon savings would be appreciated.
- The use of stone for the construction of the buildings was welcomed.

The Decision :-

That the Planning Committee be **MINDED TO GRANT** planning permission subject to the consultation period for the amended location plan having expired with no new material representations having been raised, and subject to S106 agreement and conditions as listed in the Committee Report, delegated to the Head of Development Management.

Voting Record

A vote was taken and the motion was carried unanimously.

**113 ZD24/00080/FULL - Full Planning Permission for Change of use of Unused Garage Workshop to Tills / Retail area of Petrol Filling Station Including Alterations to Front Elevation (Retrospective) - Penny Petroleum Scorton Road Brompton On Swale Richmond North Yorkshire DL10 6AB**

Considered :-

The Assistant Director Planning – Community Development Services sought determination of a planning application for full Planning Permission ref: ZD24/00080/FULL for a change of use of unused Garage Workshop to tills / retail area of Petrol Filling Station Including alterations to front elevation (retrospective) on land at Penny Petroleum, Scorton Road, Brompton On Swale, DL10 6AB.

It was stated that Legal officers had advised that details of plant and machinery should be submitted and considered in advance of any approval as this is essential to the functioning of the retail unit.

The recommendation had been amended, therefore, to defer the item to allow details of plant and machinery to be submitted, consulted upon and recommendation reviewed on this specific point.

The Decision :-

That the Planning Committee **DEFER THE APPLICATION** for consideration at a subsequent meeting to allow details of plant and machinery to be submitted, consulted upon and recommendation reviewed on this specific point.

Voting Record

A vote was taken and the motion was carried unanimously.

**114 ZB24/00968/MRC - Application for Variation of a Conditions 2 (Roadway Construction Detail - minor changes to specifications) 10 (Provision of Passing Places – provision of passing places delayed) and 11 (New access construction details modified) following Grant of Planning Permission 23/00625/FUL - Sedgefield House Ainderby Steeple Northallerton DL7 9JY**

The Assistant Director Planning – Community Development Services sought determination of variation of Conditions 2 (Roadway Construction Detail - minor changes to specifications) 10 (Provision of Passing Places – provision of passing places delayed) and 11 (New access construction details modified) following the grant of Planning Permission 23/00625/FUL - Sedgefield House Ainderby Steeple Northallerton DL7 9JY This application was brought to the Planning Committee at the request of the Divisional Member

This application was brought to the Planning Committee as the proposals had generated significant local interest and the original application was determined by the Planning Committee.

The following updates to the report were outlined:-

The S278 agreement, which effectively provided authority for the passing places to be implemented, had been agreed by the Council, signed by the applicant and was now with the Council for engrossment, which would be carried out imminently.

The Road Closure consent was being prepared and would take approximately 5 weeks to complete owing to the advertisement period for this. Works could commence to implement the passing places immediately thereafter.

The applicant had confirmed that this time frame would result in approximately 7 weddings taking place in the absence of all of the passing places.

Under the requirements of the S278 agreement, should the applicant not implement the construction of the passing places, the Highway Authority could undertake the work in default, on the basis of a submitted bond under the S278 agreement.

Forster Holmes spoke objecting to the application.

Stuart Tweddle, the applicant, spoke in support of the application.

During consideration of the above application, the Committee discussed the following issues:-

- It was recalled that the Conditions were a major reason for initially agreeing planning application and altering these was not beneficial to the neighbouring area.
- There were events planned at the venue and refusal of the variation of conditions would lead to these having to be cancelled.
- The applicants plans in place to organise traffic during the planned events,
- The conditions of the original application should have been implemented by now.
- The main concern was for the safety of the people who were required to travel on the road.

The Decision :-

That Planning Permission be **REFUSED** for the reasons set out below:

1. The proposed amendment to Conditions 10 and 11 would result in a harmful impact on the amenity of road users in the vicinity of the application site as it was likely that traffic would be forced to reverse in order to allow on-coming vehicles to pass. On this basis the proposals were considered to fail to meet the requirements of policy IC2.

2. Owing to the width of the road and the additional traffic using it, as a result of the development, it was likely that the development would lead to damage to the highway and the highway verges. The proposals failed to meet the requirements of policy IC2 as in the absence of the passing places the development would not be located where the highway network could satisfactorily accommodate the traffic generated by the development.

#### Voting Record

A vote was taken on the above motion with the result as follows:-

5 for  
1 against

**115 ZB23/01649/FUL - Construction of four detached bungalows (as amended - amended site location plan Rev.B; additional/amended drainage information and Indicative Technical Plan Rev.K) - Land to west of Smithy Green, Hornby Road, Appleton Wiske.**

The Assistant Director Planning – Community Development Services sought determination of a planning application for the construction of four detached bungalows (as amended - amended site location plan Rev.B; additional/amended drainage information and Indicative Technical Plan Rev.K) at land to the west of Smithy Green, Hornby Road, Appleton Wiske.

The application was considered and deferred at the April Richmond (Yorks) Area Constituency Planning Committee (held on 11th April) 2024), for further consideration of matters pertaining to flood risk and access.

The following updates to the report were outlined:-

Amended Plan(s) Submitted (1) - Technical Plan (Rev.L) had been submitted by the agent on 12.06.2024. This plan removed the SuDS Basin as shown on previous versions of the plan which were erroneously included in the location of the proposed attenuation tank (which was the actual proposed means of surface water attenuation included within the Drainage Strategy. Rev.L included minor amendments (included on previous plan version Rev.K) to the design of the turning head and the positions of plot 1 and 2 to ensure that the route of the public footpath was not physically affected. The above land would be used as Public Open Space and/or part of the on-site BNG provision.

Amended Plan(s) Submitted (2) - Drainage Strategy Plan (Rev.P5) had been submitted by the agent on 12.06.2024. The amended plan addressed an error in the earlier version of the plan which erroneously did not include the updated storage capacity of the proposed attenuation tank (i.e. now shown as 152 cubic metres)

Neither amended plan made any material amendments to the proposals.

Agent - Further Clarification Provided - Since the publication of the agenda, the application's agent had provided by email setting out reasons why a permanent access would not work in the location of the proposed emergency access onto Hornby Road:

- It may not be wide enough.
- It brings the access road very close to the oak tree on site (subject to a TPO).
- It runs through the BNG area.
- It runs close to an additional collection of bungalows.

In a follow up email the agent had provided an extract from the Tree constraints plan for the site which includes the Root Protection Zone (RPZ) for the TPO oak tree as well as an indicative sketch showing the potential position of a permanent access road east of Ryegrass House. The agent's position was that while a 'low impact system' utilising stone 'twin tracks' could potentially be used for an emergency access route, a permanent access would require a more comprehensive tarmac road which would impact the tree.

Local Highway Authority (LHA) - Comments on the Potential for an 'Emergency Vehicular Access' or a Permanent Vehicular Access - At the request of the Case Officer, the LHA has provided comments (in an email dated 05.06.2024) regarding the potential to create



either an emergency access (as proposed) or an alternative permanent access off Hornby Road, immediately to the east of the newly built Ryegrass House:

NB: The Highways Officer has confirmed that these are their informal comments.

#### Emergency Access

- The same Visibility Splay requirements as mentioned in our recommendation would be applicable.
- That part of the access within the limits of the Publicly Maintainable Highway would need to be hard surfaced to the same standard as mentioned in our recommendation.
- That part of the access within the site would need to be hard surfaced to a specification to be agreed (capable of supporting a fully laden fire appliance) and have a minimum width of 3.7 metres.
- The boundary with the Public Highway should have lockable demountable bollards or similar to prevent day to day vehicular access but still allow pedestrians and cyclists to pass.
- Colleagues in the PROW Team should be asked to comment.

#### Permanent Access

- The same points made in the recommendation for the vehicular access in its original position would still apply in their entirety.
- The dimensions of the access would need to be the same as those proposed for the vehicular access in its original position. I'm not sure if the area of land over which it would pass is wide enough at the northern end.
- Colleagues in the PROW Team should be asked to comment.

Amended Recommended Condition 2 (Compliance and Plan List Condition) - to include reference to the latest revision of the Technical Plan and the Drainage Strategy Plan:

- a. Site Location Plan (SK07 Rev.B)
- b. Amended Technical Plan (SK02 Rev.J L)
- c. 2 Bedroom Elevations Plan (SK202)
- d. 3 Bedroom Elevations Plan (SK302)
- e. Proposed Elevations Plan (SK06)
- f. Amended Drainage Strategy Plan (23129-DR-C-0100 Rev.P4 P5)

Amended Recommended Condition 21 (Surface Water Drainage Condition) - to include reference to the latest revision of the Drainage Strategy Plan - There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. The details of the surface water drainage works, including attenuation features and design, shall be based on the drainage design principles within the submitted Flood Risk Assessment and the amended Drainage Strategy Plan (Rev. P4 P5), including:

- i. Surface water to be discharged to watercourse at a pumped rate of discharge not to exceed 1.4 litres per second.
- ii. confirmation that the scheme shall cater for the impact resulting from the minimum 1 in 100 year return period storm event including a 45% allowance for climate change effects and a further 10% for urban creep for the lifetime of the development.
- iii. Details of any pumping solution.
- iv. the submission of a detailed maintenance and management regime for the surface water drainage scheme and for the culvert. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

Removal of Condition 20 (emergency vehicular access) from the recommended list of conditions in section 12 of the Officer Report - The advice from the Council's Planning Solicitor is that as the provision of the emergency access would involve and outside of the



application site, that the provision of the emergency vehicular access should be dealt with through a legal agreement.

Amendment to the Recommendation - 12.1 It is recommended that the matter be delegated to officers to grant planning permission subject to the conditions recommended in section 12 of the Officer Report (as amended within this Update List) and following:

- ii. The prior completion of a suitable Unilateral Undertaking signed by the applicant requiring the submission of a BNG Implementation Plan as well as a BNG Management and Maintenance Plan to maintain the off-site BNG for a minimum period of 30 years.
- iii. The prior completion of a legal agreement in consultation with the Local Highway Authority and the Council's Public Footpaths Team (i.e. Unilateral Undertaking or Section 106 agreement, dependent on the ownership composition of the land involved) for the approval of the details of an emergency vehicular access into the site within Flood Zone 1. The details to include but not necessarily limited to: the precise location of the access; access and track width, surface materials, removable boundary definition and/or bollards) The agreement shall require the completion and availability of use of the emergency vehicular access in accordance with the agreed details prior to the first occupation of the dwellings, and its retained availability for the lifetime of the development.

Divisional Councillor Annabel Wilkinson spoke objecting to the application.

Derek Partington – Vice-Chair, Appleton Wiske Parish Council spoke objecting to the application.

Steve Hesmondhalgh - AMS Chartered Town Planners and Development Consultants and agent for the applicant spoke in support of the application.

During consideration of the above application, the Committee discussed the following issues:-

- There had been little improvement to the access since the application had been deferred at the previous meeting with this remaining in Flood Zone 2.
- The entrance to the access could not be lifted as this had the potential to cause flooding in other locations.
- It was likely that flooding events and the level of flooding would worsen going forward.
- The level of water within Flood Zone 2 would be up to 30cm when flooding occurred.
- Concern remained that a permanent access within Flood Zone 1 was required for the proposed development to permit unimpeded vehicular access into and out of the site in case of emergency, should flooding occur.
- Having previously deferred this application for further information on how the flooding to the access road could be addressed Members considered that insufficient information had been provided and were not in favour of a further deferral.

The Decision :-

That planning permission be **REFUSED** as the access road to the development was situated within Flood Zone 2 and is, therefore, subject to regular flooding which does not comply with Policy RM2 (Flood Risk)

Voting Record

A vote was taken on the above motion with the result as follows:-

4 for  
2 against

**116 Any other Urgent business**

There were no urgent items of business.

**117 Date of Next Meeting**

10.00 am, Thursday, 11 July 2024 (venue to be confirmed).

## North Yorkshire Council

### Community Development Services

#### Richmond (Yorks) Area Constituency Committee

11 July 2024

#### **ZD24/00080/FULL - Full Planning Permission for Change of use of Unused Garage Workshop to Tills / Retail area of Petrol Filling Station Including Alterations to Front Elevation (Retrospective)**

**At Penny Petroleum, Scorton Road, Brompton On Swale, Richmond, DL10 6AB  
On behalf of Vicky Hennessey**

#### **Report of the Assistant Director Planning – Community Development Services**

##### **1.0 PURPOSE OF THE REPORT**

- 1.1. To determine a planning application for Full Planning Permission for Change of use of Unused Garage Workshop to Tills / Retail area of Petrol Filling Station Including Alterations to Front Elevation (Retrospective) on land at Penny Petroleum, Scorton Road, Brompton On Swale, DL10 6AB.
- 1.2. This application is referred to Planning Committee following a request from the Catterick Village & Brompton-on-Swale Division Member. The ward member raised the loss of post office and low parking provision for a convenience store.
- 1.3. Prior to the June 2024 Planning Committee, Legal officers advised that details of plant and machinery should be submitted and considered in advance of any approval as this is essential to the functioning of the retail unit.
- 1.4. The recommendation was therefore amended, to defer the item to allow details of plant and machinery to be submitted, consulted upon and recommendation reviewed on this specific point. This information has now been received and further consultation carried out between the nearest residential properties and Environmental Health. This process is due to expired on 9<sup>th</sup> July 2024.
- 1.5. Please note, despite the address, the site is within/adjacent to the village of Scorton.

##### **2.0 SUMMARY**

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

- 2.1. The application site is located on the outskirts of the village of Scorton and occupies a prominent position adjacent to the junction between Scorton (north and east) and Bolton On Swale (south). The site has been a filling station for a number of years and this use continues. Part of the building was previously used for servicing and MOT is no longer in use after the previous business owners retired.
- 2.2. The application (now retrospective) seeks Full Planning Permission for a change of use of this particular part of the building to form a larger retail space, along with alterations made to

the shop front (doors, windows and parapet roof detail). Customer car parking is located to the western side of the building and staff car parking to the rear.

- 2.3. There is both Local and National Planning Policy support for the growth of existing businesses and reuse of existing buildings. Whilst the site address is Brompton On Swale, the site is located on the edge of Scorton which is a Primary Service Villages and within the Central Area of Richmondshire as set out by Spatial Principle SP2 of the Richmondshire Local Plan. Such locations are considered to have a key role in supporting larger towns nearby by providing a range of goods and services more locally. The proposed change of use would contribute to the growth of the local economy, as well as providing a small amount of additional employment. Other key issues include impact on neighbour amenity and highway safety, as well as drainage and design.
- 2.4. A number of objections have been submitted as part of the formal consultation process, raising some of the aforementioned material Planning issues. However, a significant concern raised by local residents is that of the potential impact of the development proposals on Scorton Village Shop and Post Office. Notwithstanding the objections received, competition between businesses is not a material Planning consideration that can be afforded weight in the overall assessment of the application, particularly given the size of the floor area concerned, which falls below the 500sqm required in order to trigger a full Retail Impact Assessment.
- 2.5. Since the June 2024 Planning Committee, further information has been received in the form of an updated Site Layout Plan (to illustrate the precise location of the installed plant) and technical specifications for the freezer, chillers and air conditioning units. Further consultation with the nearest neighbouring properties and Environmental Health (EH) is due to expire on 9<sup>th</sup> July, 2024.
- 2.6. The Environmental Health Officer commenting on the application intends to go out to site to carry out noise readings, but has reviewed the submitted technical information and carried out a site inspection. It has been indicated that noise levels are likely to be acceptable but the EH Officer intends to respond by 9<sup>th</sup> July 2024 and before the July Planning Committee.
- 2.7. Subject to no technical objections being received on behalf of neighbours and Environmental Health and conditions to control hours of operation and deliveries; lighting; car parking provision and any additions arising from the final EH recommendation, the proposals are considered to be in accordance with the expectations of Spatial Principles SP1, SP2 and SP5 of the Central Richmondshire Spatial Strategy, and Policies CP3, CP4 and CP7, CP9 and CP13 of the Local Plan, the National Planning Policy Framework.

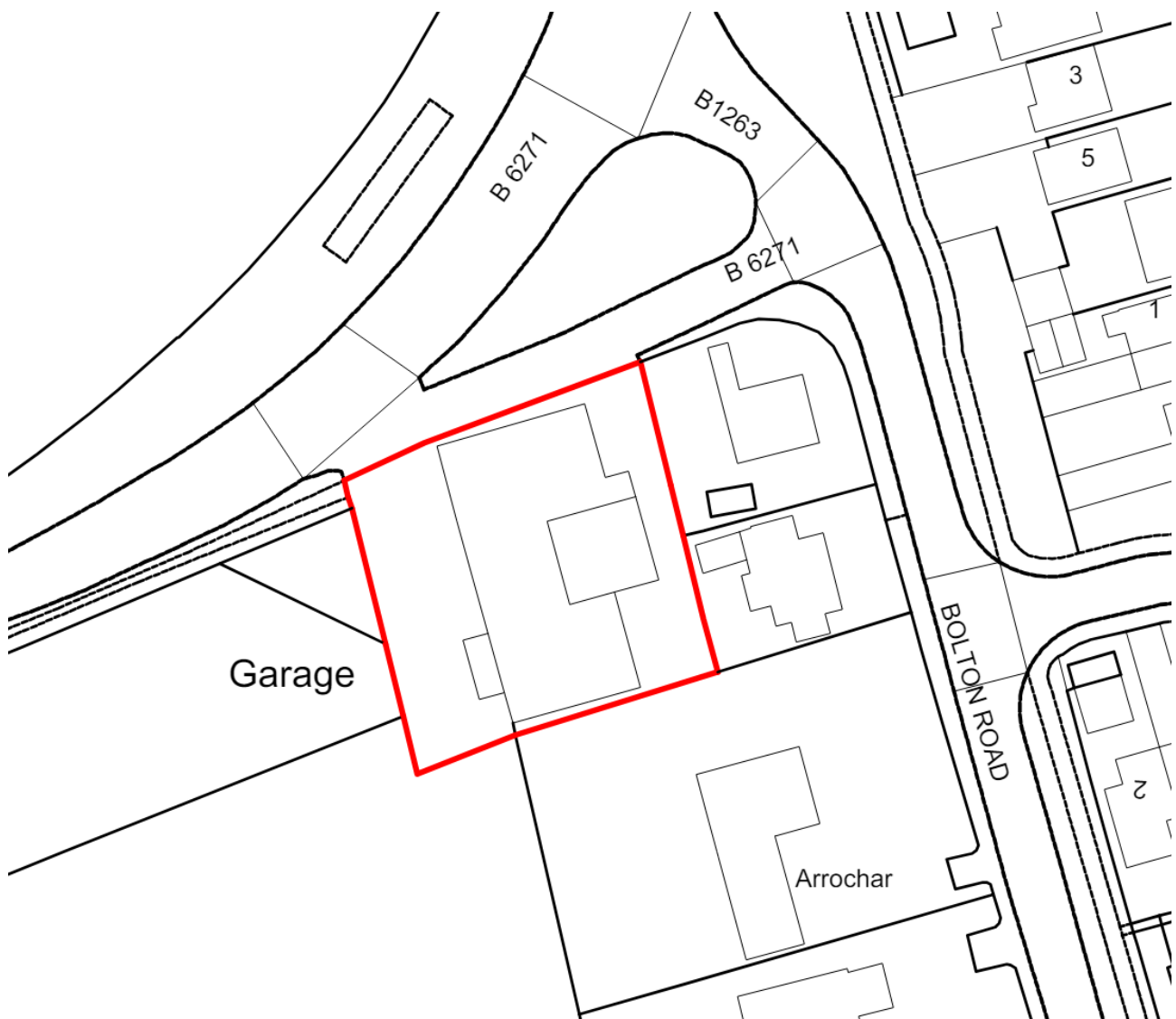


Figure 1: Location Plan

### 3.0 PRELIMINARY MATTERS

3.1. Access to the case file on Public Access can be found here:-

[Planning Documents](#)

3.2. The proposed scheme is now retrospective and alterations to the shop front and internal layout of the building have already been carried out.

3.3. This application does not include details of signage and this will be dealt with separately. The diesel tanks shown in the application documentation is not being considered as it falls outside the scope of the description of development. They will need to be submitted separately.

3.4. There is an extensive planning history relating to the garage business, however, there are no recent applications or decisions that are relevant to the consideration of this application for a change of use.

### 4.0 SITE AND SURROUNDINGS

4.1. The existing filling station occupies a prominent site on the edge of Scorton and is located on the east side of the road towards the southern end of the village. The application site

falls outside of the designated Conservation Area and there are existing residential properties located to the south and east and open fields to the west. In 2019, Outline Planning Permission was granted for up to 58 no. dwellings on land immediately to the north and on the opposite side of the road to the application site.

- 4.2. The application site is located outside of the main village centre and approximately 0.4km from the nearest public house and shop/Post Office, which are located on the western side of the village green. Bolton On Swale Church of England School is located to approximately 0.2km to the south of the application site and Brompton On Swale Village Shop and Post Office is approximately 3.5km away (west).

## **5.0 DESCRIPTION OF PROPOSAL**

- 5.1. This application seeks Full Planning Permission for change of use of part of the existing premises, formerly used as a garage workshop, to a retail area as well as associated external alterations to the frontage.
- 5.2. The existing tills and retail area have been relocated in order to provide a larger retail space and a wider range of products, amounting to approximately 175sqm. A WC has also been provided for customer use, as well as a meeting room, kitchen and rear fire exit. The area that was previously used for tills and retail space has now become storage (in connection with the shop) and the applicant sets out that this storage area could be let out in the future to a business tenant. However, the merits of this would need to be considered as part of a separate planning application, should the applicant wish to pursue this.
- 5.3. The application sets out that previously, the business employed 4 no. full time equivalent staff (FTE) and as a result of the proposed change of use, this would increase to 7 no. FTE. Proposed hours of opening are 06:00-23:00, including Sundays and Bank Holidays.
- 5.4. Car parking is provided to the western side of the building within the application site boundary, with a total of 5 customer spaces including an 1 accessible space. The existing car wash remains in situ and operational and staff car parking to be located to the rear of the building. Timber close boarded fencing (2.4m in height) has been erected to conceal the existing above ground diesel tanks, located to south western corner of the site.
- 5.5. The external alterations proposed have mainly involved the front elevation and the replacement of timber workshop doors and a PVCu double glazed window with powder coated aluminium shop fronts and automatic doors. Alterations to the roofline have also been carried out, with the removal of a masonry parapet and installation of a powder coated verge fitted to the roof slope.
- 5.6. Some new signage and an above ground diesel tank have been installed, but do not form part of this application for Full Planning Permission. A separate application for Full Planning Permission will be required, as well as Advertisement Consent will be required in due course.
- 5.7. Additional information has now been requested and received on behalf of the applicant, in relation to plant installed on the external (west) elevation of the building. This takes the form of an updated Site Plan and technical specifications on chiller, freezer and air conditioning units, installed on the side (western) elevation of the building.

## **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:

- Richmondshire Local Plan 2012-2028 Core Strategy, adopted 2014
- Saved Local Plan Policy 23 of the Richmondshire Local Plan 1999-2006
- The Minerals & Waste Joint Plan 2015 – 2030 adopted 2022

### Emerging Development Plan – Material Consideration

North Yorkshire Council is preparing a new Local Plan, however, it is at too early a stage to be a material planning consideration.

### Guidance - Material Considerations

6.3. Relevant guidance for this application is:

- National Planning Policy Framework
- National Planning Practice Guidance

## **7.0 CONSULTATION RESPONSES**

7.1. The following consultation responses have been received and have been summarised below.

7.2. **Parish Council:** Scorton Parish Council would like to bring the following comments to the attention of the Officers and Planning Committee members:

Parish Councillors expressed concern that there have been two retrospective planning applications on this site and the approach that has been taken by the developer in relation to re-development of the site. Additionally, we were consulted by the Licensing Department months prior to receiving the change of use application. Councillors were unable to make a decision about the licensing application, as the area for selling alcohol currently isn't a retail premises.

Please note a number of discrepancies within the planning application:

- Over ground diesel storage tanks. These appear on the planning application as existing, however these are new and have not been on any planning applications.
- Car parking. The current on-site parking has been significantly reduced by the inclusion of the new diesel tanks.
- Signage (5.1 on Access Statement). This states that the exact details of the signage are not known, nevertheless there is a new sign above the existing retail shop and the canopy has new, illuminated, wrap-around signage, resulting in obtrusive, artificial light disturbance and pollution to adjacent properties and inappropriate in a rural setting. Furthermore, there have been changes to the illuminated prices sign within the site.
- Contamination. The application states that there is no contamination on site – can this be accurate? The site has been used as a bus garage and automotive garage since the 1950s.
- Foul sewage. The application indicates that this will be via the main sewers, however foul sewage is by septic tank and the application adds that there will be additional toilets. Councillors question the capacity of the septic tank.
- No changes to the rear and side (4.1 on Access Statement). Councillors dispute this.
- Retail refrigeration. We note the plans include extensive provision for freezers and chillers within the proposed retail space. We ask for clarification about the external cooling units, as these are not indicated on the plans.



- Possible separate let or storage space. Please can we seek more information about this, as this will impact on parking and pedestrian/vehicular access to an already busy junction.
- Pedestrian access. Councillors have major worries about pedestrians crossing the B6271. This is a difficult location to cross safely.

The Scorton Post Office & Shop has been serving customers for many decades. This is an established family business; Shailendra & Versha even provided a delivery service during COVID which was a lifeline for vulnerable people during lockdown.

Scorton Village Store is at the heart of our community, centrally located and where people meet and catch up. Scorton is a caring village with sheltered housing, care homes and many elderly and vulnerable residents who rely on the Post Office and Shop. Additionally, many residents and small local businesses rely on the banking and postal services provided, particularly those without access to private transport.

Due to the above technical concerns and the potential impact on the Scorton Village Store & Post Office, councillors are not in a position to support this application.

- 7.3. **Division Member(s):** Concern in respect of the loss of post office and low parking provision for a convenience store. There is a lot of public concern for this application.
- 7.4. **NYC Environmental Health:** No objections, subject to conditions relating to external plant and equipment; loading and unloading of vehicles and limiting hours of operation to 07:00 – 22:00 Monday to Saturdays, and 08:00-21:00 on Sundays and Bank Holidays. In addition, a condition relating to lighting in order to prevent light pollution is recommended.

Further consultation has been carried out on the updated Site Layout Plan and plant technical specifications and is due to expire on 9<sup>th</sup> Jul 2024. An updated response will be reported to Members at the meeting.

- 7.5. **NYC Local Highway Authority:** No objections, subject to a condition to ensure the car parking areas are constructed in accordance with the approved drawing.

#### Local Representations

- 7.6. 56 local representations have been received of which 3 are in support and 53 are objecting. A petition with 243 signatures was also submitted against the proposals. On receipt of additional information on the installed plant, further consultation was carried out with the nearest residential properties, due to expire on 9<sup>th</sup> July 2024. A summary of the comments is provided below, however, please see website for full comments.

#### 7.7. **Support:**

- This will support the village massively
- The village needs more choice and all local business supported, not one shop should have the monopoly.

#### 7.8. **Objections:**

- Scorton doesn't need a supermarket
- Damaging to the existing village shop and post office, which is a small family run business
- Not accessible to many elderly people
- Overdevelopment in a rural setting
- Neon signage, more suited to an urban area and harmful to dark night skies
- Busy road junction where parking is already an issue, particularly for children if crossing the road

- Application states 8 car parking spaces but only 5 shown and won't always be available if tanks being filled or car wash in use
- Disturbance to local residents
- Pollution (alcohol sold until late hours)
- Impact on the character of the village
- There is a restrictive covenant on all property restricting the sale of alcohol
- Antisocial behaviour
- Opening hours are too long and will lead to disturbance of residents
- Attract more traffic from outside the village
- HGV manoeuvring on and off site is already a problem
- Sale of alcohol could reduce footfall in nearby public house(s)

## **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
- Local Economy and Employment Opportunities
- Highway Safety
- Residential Amenity
- Foul and Surface Water Drainage
- Contamination
- Design
- Other Matters

## **10.0 ASSESSMENT**

### Principle of Development

- 10.1. This application proposes a retrospective change of use of part of the existing buildings on site from MOT/Serviceing to retail at the former Coates Garage, between Scorton and Brompton On Swale. Whilst the filling station function of the business continues to operate, the site is now under new ownership and MOT and servicing of cars is no longer offered, leaving the area of the building previously taken up for this purposes unused. Changes to the shop front and internal arrangements have already been carried out and although a small retail offer was available previously, a larger area of approximately 175sqm has now been created, along with 5 no. customer car parking spaces (including one accessible space) and 3 no. staff car parking spaces to the rear.
- 10.2. The village of Scorton is classed as a Primary Service Village within SP2 of the Adopted development Plan (ADP) and as such, aims to provide services that supplement those found in larger towns. Spatial Policy SP2 places emphasis on maintaining existing or new services, including providing a good range of community facilities and services (including food shops and associated employment). Spatial Principle SP5 of the Local Plan supports development within main employment locations (as listed in the policy) but also supports "small scale development elsewhere to meet local needs".
- 10.3. In order to "develop and sustain the economy of Richmondshire", Core Policy SP7 of the ADP, in line with SP5, supports the sustainable growth of sectors such as retail and sustaining small and medium sized enterprises that encourage new and existing businesses to grow, whilst safeguarding the unnecessary loss of valued facilities and services.

- 10.4. There is therefore clear policy support for schemes that ensure continued economic use and growth outside of main centres and in particular, reuse of buildings that are no longer needed for their former purpose (subject to other technical matters being satisfactorily addressed). Core Policy CP3 of the Plan specifically encourages the re-use or adaptation of existing buildings and this scheme seeks to reuse part of an existing building with a small amount of external adaptation.
- 10.5. A large number of objections have been received as part of the consultation process which, amongst other things, focus on the potential impact of the proposed retail business on the existing Village Shop and Post Office located within the centre of Scorton. As previously stated, SP2 encourages a range of services and whilst there are clearly some similarities (in terms of products and services offered), Core Policy CP9 supports retail developments outside of town centres that are below 500sqm where they are of a scale appropriate to the function of the settlement, serve the day to day needs of the immediate locality and would support the rural economy. Whilst potential competition between the two businesses is of concern to the existing business and local residents, competition in itself is not a material Planning consideration that can be afforded a great deal of weight and there is no policy requirement for a Retail Impact Assessment for a change of use of this scale.
- 10.6. Overall, it is considered that there is policy support for the scheme, both in terms of Local and National Planning Policy that meets the expectations of Spatial Principles SP2, SP5 and SP7, Core Policies CP3, CP4, CP7 and CP9 of the Local Plan and paragraph 90 of the National Planning Policy Framework (NPPF) (2023).

#### Local Economy and Employment Opportunities

- 10.7. The application states that the facility currently employs a total of 4 no. full-time equivalent persons, and that the proposal will employ a total of 7 no. full-time equivalent persons, thus creating 3 no. additional full-time equivalent jobs. The impact of the proposal in employment opportunity terms therefore is positive. In addition, the change of use would allow an existing business and local fuel/retail facility to sustainably redevelop, in accordance with the expectations of Policies SP1, SP2 and SP5 of the Central Richmondshire Spatial Strategy, and Policies CP3, CP4 and CP7 of the Local Plan in this regard.

#### Highway Safety

- 10.8. As previously stated, the site has operated as a filling station (and previously a servicing/MOT garage) and the general layout of the forecourt would not change as part of this proposal. However, local concerns have been received relating to potential increase in traffic at the junction; access to the shop on foot and the practicalities of manoeuvring around the site during a delivery to the shop or filling station or if the car wash is in use.
- 10.9. Further to formal consultation with the Local Highway Authority (during which time these concerns were brought to the direct attention of the LHA), the 8 no. parking spaces provided in total (5 no. customer spaces; 3 no. staff spaces) are considered to meet current parking standards. This is because the retail space is considered as a “neighbourhood shop”, as opposed to a “small supermarket” in terms of highway parking standards. The applicant has been able to confirm the approximately number and frequency of retail deliveries and that there would be 1-2 no. tanker deliveries of fuel per month. During fuel deliveries, the forecourt is cordoned off and closed during this time with each delivering taking approximately 30-40 minutes to complete. The shop remains open during this time so this means that customers not arriving at the shop on foot have to park elsewhere.
- 10.10. There are other unrestricted areas just outside the site for customers to use and given that fuel deliveries usually take place between 06:00-0800hrs (outside of typical “rush-hour” periods), it is not envisaged that indiscriminate car parking elsewhere would occur that would lead to a “severe” highway safety impact, which is the test set out in paragraph 115 of

the NPPF. It is likely that some potential spends will be lost as some customers choose not to visit the shop when they cannot secure adjacent parking.

- 10.11. Providing parking spaces are constructed in accordance with the submitted drawing, the LHA have been consulted on the additional information and do not consider that the development would lead to a “severe” adverse impact on highway safety grounds, as set out in the NPPF.

#### Residential Amenity

- 10.12. The application proposes opening hours of 06:00-23:00 (inclusive of Sundays and Bank Holidays), however, Environmental Health expressed some concern around these, recommending a condition to limit hours of operation to 07:00 – 22:00 Monday to Saturdays, and 08:00-21:00 on Sundays and Bank Holidays. Subject to this condition, as well as conditions relating to external plant and equipment; loading and unloading of vehicles and lighting, Environmental Health have confirmed no objections to the application. Given the former use as a vehicle MOT/Serviceing facility and scale of proposed development, it is not considered that the proposed change of use would lead to an unacceptable loss of amenity to nearby dwellings, in line with CP3 and CP4 of the Local Plan.
- 10.13. As part of the internal fitting out of the retail area and refrigeration units installed, external plant has been added to the western side of the existing building. Initially, details of external plant had not been included in the application and so Environmental Health were not able to fully assess possible noise from such equipment or potential disturbance to nearby residential properties. This information has now been received and is currently being reviewed by Environmental Health. Based on a site inspection and the written details provided, the EH Officer does not expect noise levels from plant to be unacceptable but intends to carry out noise readings on site, prior to issuing an updated recommendation. Consultation letters have also been sent out to the nearest residential properties and at the time of writing this report, no comments have been received. Members will be updated on this issue either prior to or at the meeting.

#### Foul and Surface Water Drainage

- 10.14. The application relates to a change of use and alterations to frontage, but a WC would be provided as part of the internal alterations. Whilst the application incorrectly refers to the site being connected to mains drainage, the applicant has since confirmed that foul and surface water drainage is to an existing septic tank and has been asked to provide a non-mains drainage assessment. However, given that there would be minimal increase in terms of capacity needed (and that any upgrade that is required would need to be formally considered by Building Control), it is considered that the continued use of the existing septic tank is acceptable.

#### Contamination

- 10.15. The area of the existing building that is the subject of the proposed change of use was previously used in association with the garage and so it is likely that contamination within that area will be present, as pointed out by Scorton Parish Council. However, the proposed retail use is not considered to be a “vulnerable end user” and as such, Environmental Health have not raised any concerns or recommended specific conditions in this regard.

#### Design

- 10.16. As part of the proposed change of use, alterations to the existing shop front have also been carried out, including a rendered finish to the external walls; the installation of a window; and a new automatic door in place of the previous timber workshop sliding doors. There is also a new window with “night pay draw”; infill panel at a low level and the former parapet

has been removed and replaced with an aluminium verge. All windows and doors are now powder coated aluminium. In design terms, the changes are considered appropriate in this context, within a relatively modern, functional, commercial building that falls outside of the designated Conservation Area. The scheme is therefore not considered to be at odds with the expectations of CP13 of the Local Plan with regards to design and appearance.

#### The Equality Act 2010

- 10.17. Under Section 149 of The Equality Act 2010 Local Planning Authorities must have due regard to the following when making decisions: (i) eliminating discrimination, harassment and victimisation; (ii) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age (normally young or older people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.
- 10.18. Level access is provided into the retail area and accessible car parking is provided to the western side of the building, in line with current highway safety parking standards. As an enlargement to an existing shop, there is no overt reason why the proposed development would prejudice anyone with the protected characteristics, as described above.

#### Other Issues

- 10.19. As pointed out previously, the proposed change of use has already been carried out and the retail area is in use. This has been done entirely at the applicant's own risk and has not in any way prejudiced the Officer assessment or recommendation. However, as well as the completion of the retail area, other changes have also been carried out, such as the installation of above ground diesel tanks as well as the display/replacement of illuminated advertisements on and around the forecourt. These changes require separate Planning Permission and/or Advertisement Consent.
- 10.20. For the avoidance of any doubt, this application relates to the change of use of part of the existing building and physical alterations to the shop front only, as set out in the application description and shown on the submitted plans. Matters such as external lighting, advertisements, signage materials and the installation of diesel tanks have not been formally assessed. The Council's Enforcement Team have raised this with the applicant and application(s) to include all other unauthorised development/works have been invited and will be assessed on their own merits, with the benefit of full plans/details and consultation.

### **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1. Out of concern that the increased retail space proposed might have a detrimental impact on the existing shop and Post Office in the village of Scorton, a number of local residents have raised objections to this application. There are some key differences between the two businesses, such as banking services provided as part of the Post Office function in the Village Shop, but it is likely that similar products are or could be sold in both locations, including delivery/courier services (as are often on offer in filling stations elsewhere). Residents are concerned that this may lead to customers choosing the convenience of the filling station, particularly where similar products and services are provided by the shop and that this could potentially lead to its closure (which would mean loss of other services that are not easily found elsewhere).
- 11.2. The objections regarding competition with the existing Village Shop and Post Office are acknowledged. However, the proposed floor area falls below the policy threshold whereby a retail assessment can be required and there are no policy reasons to either refuse Planning

Permission or to control the type of goods and services provided, as in this case, competition in itself is not a material Planning consideration that can be afforded weight in the decision making process.

- 11.3. In terms of principle, the proposed change of use to create a larger retail area would support the future operation of the filling station, as well as small-scale employment and economic growth, which is supported by the ADP and National Planning policy. The proposals would make use of an existing building with only a small number of external changes to the frontage in order to accommodate the internal layout proposed. Subject to an neighbour responses received in relation to the further consultation on plant equipment and to no objections raised on behalf of Environmental Health, the proposals would not have a significant adverse impact on neighbour amenity or existing drainage infrastructure. Notwithstanding local concerns raised, adequate car parking and safe access/egress is provided, without having a significant adverse impact on highway safety.
- 11.4. Overall, the proposals meet the requirements and expectations of Spatial Principles SP1, SP2 and SP5 of the Central Richmondshire Spatial Strategy, and Policies CP3, CP4 and CP7, CP9 and CP13 of the Local Plan, and the National Planning Policy Framework.

## **12.0 RECOMMENDATION**

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

### **Recommended conditions:**

#### Condition 1 Approved Plans

The development hereby permitted shall be carried out precisely in accordance with the approved drawings and particulars as set out below:

- a) Application form and certificate
- b) Location Plan ref. 101
- c) Existing and Proposed Front Elevation and Floor Plans ref. 101
- d) Existing and Propose Site Plan ref. 102

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

#### Condition 2 Provision of Parking (compliance)

Within one month of this decision, parking areas shall be constructed in accordance with the details approved on Drawing Number 102. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times, except during deliveries of fuel to tanks located to the south western corner of the site.

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

#### Condition 3 Loading and Unloading

No loading, unloading or idling of delivery vehicles associated with the retail area hereby approved shall take place on the site except between the hours of 07:00 and 19:00 on Monday to Friday and 07:00 and 13:00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.

Reason: to protect the amenity and quality of life of nearby residents.

#### Condition 4 Hours of Operation

The opening hours of the retail space shall be restricted to the hours of 07:00 and 22:00 on Monday to Saturdays, and 08:00 to 21:00 on Sundays and Bank Holidays.

Reason: To prevent an increase in background sound levels and protect the amenity of any residents

#### Condition 5 Lighting

Within 3 months of the date of this decision, a lighting scheme containing the following details shall be submitted to and approved in writing by the Local Planning Authority:

- manufacturers details;
- level of luminosity;
- position and height of lighting on the building/lighting column;
- method of down lighting.

Only the approved lighting shall be installed and any other lighting shall be removed within 8 months from the date of this decision notice.

Reason: In the interests of visual & neighbour amenity

#### Condition 6 Use

This permission is for a change of use from Servicing/MOT to retail relates to the former garage/workshop area of the building only.

Reason: In the interests of highway safety and neighbour amenity and to reserve the rights of the Local Planning Authority in these regards.

#### Condition 7 Diesel Tanks

This permission excludes the siting of diesel tanks and adjacent screening/ boundary.

Reason: Falls outside the description of development and insufficient details provided.

**Target Determination Date:** 10.04.2024

**Case Officer:** Caroline Walton, [Caroline.Walton@northyorks.gov.uk](mailto:Caroline.Walton@northyorks.gov.uk)





*I visited the site at 20:30 - 21:00 on Sunday 7th July to undertake noise monitoring.*

*Although not all the plant was operating at the time of my visit, I measured the noise levels from the freezer and refrigeration plant, which according to the data sheets supplied by the applicant, will emit a higher noise level than the aircon plant.*

*The results were in line with my predicted noise levels that I had calculated from the manufacturers data, and the noise emitted should not significantly affect the amenity of the nearest noise sensitive property (Arrochar), which is located to the south. The presence of the close boarded fence on the south boundary of the site has a significant effect in reducing these noise levels and should be retained.*

#### Additional Local Representations

None received.

#### Conditions Update

**Update Condition 1:** Approved Plans to include “Existing and Proposed Site Plan ref. 102, rev. B” and “Plant and Machinery Technical Specifications”.

#### **Additional Condition A:** Compliance

To require the installed plant equipment to be retained in the location illustrated on Existing and Proposed Site Plan ref. 102, rev. B and operated in accordance with the approved technical specifications.

#### **Additional Condition B:** Boundary Treatments

The installed 2.4m high close boarded fencing, as illustrated on Existing and Proposed Site Plan ref. 102, rev. B shall be permanently retained in-situ, unless otherwise first approved in writing by the Local Planning Authority. This would be in the interests of ensuring the current level of amenity enjoyed by the occupants of neighbouring properties is maintained.

			<p><u>Recommendation</u></p> <p>As per the committee report, approval continues to be recommended for approval subject to the committee report conditions and above condition updates.</p>
--	--	--	--

This page is intentionally left blank