

North Yorkshire Council

Community Development Services

Richmond (Yorks) Area Constituency Committee

13 APRIL 2023

22/00565/OUT – OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS, FOR PROPOSED STORAGE AND DISTRIBUTION UNITS (USE CLASS B8) TOTALLING 107,640SQ FT. IN SIZE

AT: SCOTCH CORNER CARAVAN PARK, BARRACKS BANK, SCOTCH CORNER, RICHMOND NORTH YORKSHIRE, DL10 6NS
FOR: MARSHALL LEISURE SCOTCH CORNER CARAVAN PARK

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the Report

- 1.1 To determine a planning application for the proposed storage and distribution units (Use Class B8) Totalling 107,640SQ FT at Scotch Corner Caravan Park, Richmond DL10 6NS.
- 1.2 This application is brought to the Area Planning Committee as the Head of Planning considers a planning application to raise significant planning issues such that it is in the public interest for the application to be considered by committee.

2.0 Executive Summary

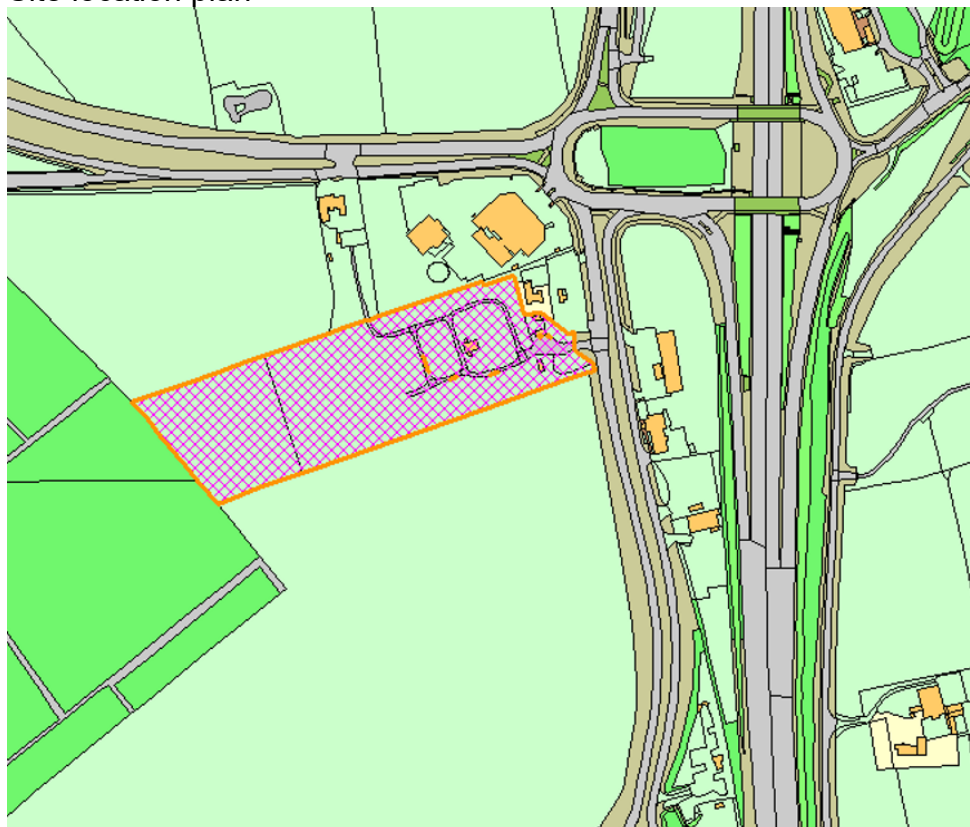
RECOMMENDATION: That planning permission be **GRANTED** subject to conditions listed at the end of the report.

- 2.1 Outline planning application with details of access and scale for the development of an existing Caravan Park with a proposal for 37 Industrial Units with a total gross internal floor area of 10000m² (1ha) (107,640 sqft) within a site area of 3.1ha. An indicative layout plan has been provided.
- 2.2 Indicative building heights referred to in the application suggest that the buildings would be typical of their intended purposes with eaves heights of 4 – 6 metres for the B2 units and 8 – 10 metres for the B8 units which would all be composite clad and typical of industrial buildings.
- 2.3 the proposal is immediately adjacent to the upgraded Junction 53 of the A1 (M) motorway, which Spatial Principle SP5 of the Local Plan states can be considered for appropriate economic development opportunities subject to an appraisal of their requirements to link directly with the strategic road network taking into account the

feasibility (of such linkages) and existing local conditions. Part 4 of the Central Richmondshire Spatial Strategy identifies the potential for development at the Scotch Corner junction. It is considered reasonable to conclude that employment uses such as those proposed are commonly located close to the strategic road network for ease of access by HGVs to serve the development accordance Spatial Principle SP5 and Core Policy CP1 of the Richmondshire Local Plan (2014).

- 2.4 The development will be sustainable due to its location and visual appearance, but also due to the existing tree planting, a biodiversity net gain can be achieved. The development thus accords with Policies CP2 paragraph 1 and CP3. The development has been found to be acceptable in relation to protected species, trees, and archaeology.
- 2.5 Two areas have been identified to be inadequate in respect of flooding and drainage however these elements can be dealt with at the reserved matters stage.

Site location plan



3.0 **Preliminary Matters**

- 3.1. Access to the case file on Public Access can be found here:-
<https://documents.richmondshire.gov.uk/planning/planning-documents?SDescription=22/00565/OUT&viewdocs=true>

3.2. A proposed site plan is an Appendix. B

3.3. There is one relevant planning application for this application which are detailed below.

10/00224/OUT - Outline Application for Industrial/Employment Development : Use Classes B1(C), B2, B8 - Refused 07.07.2010

Appeal - 10/00009/REFPP-APP/V2723/A/10/2140736/NWF

3.4 Further applications approved on this site include:
17/00490/FULL - Change of Use of Land to Allow Extension of Caravan Park to Create 64 Additional Pitches for Holiday Static Caravans, Retaining 50 Pitches for Touring Caravans - Approved 31.08.2017

There is a lot of detail relevant to the 2010 application this is summarised at Appendix A.

4.0 Site and Surroundings

4.1. The application involves the development of an existing Caravan Park with a proposal for 37 Industrial Units with a total GIA of 10000m² (1ha) (107,640 sqft) within a site area of 3.1ha. The site lies within 300m of the main roundabout at Scotch Corner and Junction 53 of the M1 A1. The site currently accessed from the northbound carriageway of the A6108 south of the A66.

4.2. The land to the west and north-west of the site is currently undeveloped and the land behind the Vintage Hotel adjoins a small part of the northern site boundary. The majority of the northern boundary is shared with the Scotch Corner Hotel and Leisure Centre which are currently the most dominant buildings in the area. Between the eastern boundary of the site at the A6108 is West View Bungalow (a private dwelling) and a former filling station which in recent years has been used for the display of agricultural machinery and equipment. To the east of the A6108 there is a small group of industrial units (also formed from a former filling station) and the Dalesway Lodge. The land to the south of the site is currently being developed has an (out of town) shopping complex beyond this further to the south west a garden centre is currently being considered.

5.0 Description of Proposal

5.1. This application seeks Outline permission with access considered for the change of use of the former caravan site to Use Class B2 and B8. Indicative building heights referred to in the application suggest that the buildings would be typical for their intended purposes with eaves heights of 4 – 6 metres for the B2 units and 8 – 10 metres for the B8 units which would all be composite clad and typical of industrial buildings.

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

- 6.3. The Emerging Development Plan for this site is listed below. It is considered of negligible weight due to progress of the Local Plan ceasing with the intention to work towards a North Yorkshire Local Plan from 1st April 2023.

- Richmondshire Local Plan Issues and Options 2021

Guidance - Material Considerations

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

7.0 Consultation Responses

- 7.1. The following consultation responses have been received and have been summarised below.
- 7.2. Parish Council: Object to the proposal it does not agree that the land classification should be changed from C1 (hotels, boarding and guest houses) to B8 (storage and distribution) and is deeply concerned that this will set a precedent for other areas of land within the vicinity.
- 7.3. Ward Member(s): No comments received
- 7.4. Designing out Crime: In general the illustrative layout shown in the submitted drawings appears to be appropriate in terms of Designing Out Crime, there are some aspects that are not conducive with crime prevention, and these should be addressed to reduce the risk of the development suffering from crime and disorder.

- 7.5 LLFA: The submitted documents demonstrate a reasonable approach to the management of surface water on the site. Recommend conditions.
- 7.6 National Highways: formal recommendation we offer no objection (see reasons at Annex A); Highways Act 1980 Section 175B is not relevant to this application. Further comments will be discussed below in respect of traffic modelling.
- 7.7 NYC Growth and Heritage Services: we have a fairly good understanding of the types and significance of archaeological remains from previous archaeological recording to the immediate south (proposed retail park) and a short distance to the north (A1 upgrade). It is also reasonable to assume some level of impact from the existing site use, particularly at the eastern end of the site. Conditions are recommended if approval is granted.
- 7.8 NYC Highways:
- Given the proximity of the site to the A1(M) Junction 53 at Scotch Corner and the A66, the LHA will be working closely with National Highways in assessing the submitted information. The proximity to the proposed busy junctions of the SCDV and the Scotch Corner Roundabout should be provided.
 - The existing A6108 and adjacent footpaths are adopted by the LHA and there are proposals for S278 works to be done in relation to the SCDV Developments.
 - The proposed consented access to the SCDV should be shown on the layout plans. The proximity of the proposed access to the Storage and Distributions site to the SCDV entrance with Traffic Lights may not be feasible.
 - The vehicular accesses into the application site whilst shown indicatively on the proposed site plan will need to be further determined with the knowledge of Transport Assessment Junction modelling and the Local Highway Authority knowledge of the road network.
 - A pedestrian footpath linking to the footway on the A6108 is indicated. A shared cycle / pedestrian path is being provided on the A6108 with a Toucan Crossing facility. How does the application site tie into the existing pedestrian/cycle facilities? The requirements of LTN1/20 on cycling infrastructure provision will need to be considered.
- 7.9 Yorkshire Water:
Made several observations re the location of the mains supply and the need for a 10 metre easement (5metres either side from the centre of the main) is required to provide access for repair and maintenance of the Asset. Conditions were recommended as part of the works.

Local Representations

- 7.10 A total of 6 representations have been received following consultation on the application: objecting and commenting.

A summary of the representations received in relation to the application(s) are provided below.

Objections;

- The size and scope of this development is overly excessive for the location.
- The planned development is on greenfield land
- This area is already very busy with traffic and adding more HGV drivers here will create further issues
- Need a Public Inquiry to assess all the developments at Scotch Corner
- This application has to be considered as a whole with the other numerous applications in the vicinity
- Scotch Corner roundabout is excessively busy already without the additional traffic proposed.
- The proposed improvements to the A66 are unlikely to be sufficient to manage the additional traffic.

- 7.11 CPRE: consider that the proposal is located adjacent to a major road network and thus in a location with suitable access (subject to Highway accessibility considerations at junctions) ensuring the need for large vehicles to travel beyond the strategic road network is minimised.

Whilst it accepts some loss of trees within the site and acknowledges the planting of additional trees they see little bio-diversity gain, could the scheme adopt green roofs where possible and any opportunity to increase tree/hedge cover within the site should be encouraged. A bio-diversity assessment to be undertaken alongside the provision of an energy statement which sets out how the proposal will deliver carbon mitigation and efficiencies and ideally deliver a net zero development.

It is considered that prior to the determination of the application both the noise assessment will be considered by the relevant department at NYCC or the Council to ensure that noise nuisance is not a disturbing factor to nearby guests so as to impact the existing adjacent business, but also that the proposed mitigation is adequate. Furthermore, a landscape assessment is needed to assess the impact of the proposed solid 4m high acoustic barrier.

8.0 Environment Impact Assessment (EIA)

- 8.1. The development falls within Schedule 2 Category 10(a) Industrial estate development projects - Industrial / Warehousing Development of The Environmental Impact Assessment Regulations 2017 (as amended) and exceeds threshold (iii) due to the site being over 3ha. As such the Council as Local Planning Authority have screened the development and found that it is not EIA development and no Environmental Statement is required to be submitted with the application. The Screening Checklist which acts as the report and decision is available to view on the Council's website. Nothing has changed since the Screening Decision and it is still

effective for the Committee Decision. No conditions are required to rule of a likely significant environmental effect.

9.0 Main Issues

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

- Principle of development
- Highways, Access and Parking
- Flooding and drainage
- Design & Layout, Landscaping and Impact on Landscape Character
- Residential Amenity
- Sustainability and Climate Change
- Other Matters – Archaeology and Contamination

10.0 Assessment

Principle of Development

- 10.1 Spatial Principle SP5 of the Richmondshire Local Plan (2014) states that “employment development should secure diverse economic improvement within the high quality environment. The Council, its partners and service providers will ensure that 12 hectares of land for employment development, excluding military related needs, are brought forward in the period to 2028 to sustain the economy of the plan area”. However, it is Officer’s understanding of this policy that this is a minimum figure of employment land as opposed to a maximum figure, based upon the explanatory text to Policy SP5 which states “periodic reviews will ensure that this strategic employment land capacity continues to be sufficient and relevant.”
- 10.2 The Council’s Strategy for North Richmondshire advises the following the area is predominantly rural, but also has major trunk road junctions at Scotch Corner and Barton. There are a few employment locations in the area. The Aske Hall development provides a range of employment units within former estate buildings near to Richmond. Dalton Gates is a small industrial estate on the site of a former wartime airfield five miles from Darlington. Although well located for both the A1 and A66, only a small amount of employment development has taken place at Scotch Corner. Planning permission was first granted for a major seven hectare employment development next to Scotch Corner 20 years ago and remains a planning commitment, with some development started. The A1 upgrade improves prospects for this site and motorway related development at both the Scotch Corner and Barton junctions. The LP goes on to state ‘Around 25 hectares of employment land are identified in the plan area’s key employment locations in Catterick Garrison, Richmond, Leyburn and A1 related sites with planning permission, including the Scotch Corner site.
- 10.3 Whilst the Richmondshire Local Plan has been prepared in the context of the National Planning Policy Framework (NPPF), the sub-regional scale and nature of this particular proposed development does also need to be considered in the broader context provided by the NPPF (and the associated National Planning

Practice Guidance (NPPG)) as a material consideration. Paragraph 81 of the revised NPPF states that “Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”. It is also relevant to note that paragraph 83 of the revised NPPF states that “planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision ...for storage and distribution operations at a variety of scales and in suitably accessible locations”.

- 10.4 The revised NPPF is also committed to delivering sustainable development, including sustainable economic growth new developments generating significant amounts of transport movement should take opportunities to deliver sustainable transport modes; provide safe and suitable access for all people; and bring cost effective solutions to significant transport impacts arising from new development.

Other considerations

- 10.5 An encouragement to utilise previously developed land first (where that land is in a sustainable location) in preference to greenfield sites; Development should, as far as possible, be located so as to minimise the need to travel. Convenient access via foot, cycle and public transport should exist or be provided, where possible, encouraging the use of these modes of travel for local journeys and reducing the need to travel by car (Policy CP3);

Development of a scale and nature appropriate to secure the sustainability of each settlement in the hierarchy defined in Spatial Principle SP2 and elsewhere through Spatial Principle SP3 will be supported taking into consideration the scale and distribution of development as defined in the Core Strategy and providing an effective response to Climate Change in accordance with Policies CP2 and CP3;

New development should provide for the social and economic needs of the local community, and in all cases be accessible and well related to existing facilities and be within the capacity of existing or additional infrastructure. Conversely, development should not impact adversely on the character of settlements and their settings, important views and open spaces, the character of the landscape or on designated and undesignated heritage assets. In addition, development should not lead to the loss of, or adversely impact on, or cause deterioration of important nature conservation, water bodies, biodiversity or geodiversity, or be located in areas of flood risk or contribute to flood risk elsewhere sites. Development should also not cause significant adverse impacts on amenity and highway safety (Policy CP4);

- Ensuring that developments provide, or enable the provision of, the infrastructure made necessary by such development, with improvements and investments delivered in a timely manner and to the required standards (Policy CP14).

- 10.6 The submitted Planning Statement claims that the proposed development would result in significant job creation across a range of levels and roles. The nature and number of jobs will be based on intended future occupiers and it is envisaged the development will significantly boost capacity for storage and distribution.

- 10.7 Notwithstanding the above, it is noted that there are existing industrial parks nearby and other proposed developments at Scotch Corner that will create a mixed used development order. Concerns have been raised from local residents relating to the scale of the development and the traffic impacts with the other proposals. The comments are acknowledged, particularly in relation to concerns that the development would provide employment opportunities beyond Richmondshire's boundaries and therefore there is the potential for a proportion of the development's workforce to travel to work beyond the local area.
- 10.8 On balance, the economic benefits of the proposed development (including the creation of local employment opportunities) in this location adjacent to the A1M junction 53, would help to develop the economy of Richmondshire. As noted above in this committee report, there is support within Spatial Principle SP5 of the Richmondshire Local Plan (2014) for proposed economic development at Junction 53, which the application site abuts and therefore the principle is considered acceptable.
- 10.9 Therefore it is officer opinion that the proposed development would be in accordance with Policy CP7, CP9 and SP5 of the Richmondshire Local Plan and section 6 of the revised NPPF (Building a strong, competitive economy). The principle of the development is therefore policy compliant.

Highways, Access and Parking

- 10.10 Paragraph 111 of the revised NPPF makes clear that 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. Within this context, Paragraph 112 provides for a number of criteria against which new development proposals should be assessed, with Paragraph 113 stating that all developments that will generate significant amounts, of movement should be required to provide a Travel Plan (TP), and the application, should be supported by a transport statement (TS) or transport assessment (TA) so that the likely impacts of the proposal can be assessed.
- 10.11 The proposed development has been supported by a 'Transport Assessment and Framework Travel Plan. The Framework Travel Plan was updated and Transport, Technical notes have been subsequently provided during the course of the application to take account of feedback from National Highways, and North Yorkshire County Council as the Local Highway's Authority. Collectively, these documents consider the potential impacts of the proposed development and the issues relating to highways safety; traffic impact & network capacity; sustainability; access; and car parking.
- 10.12 National Highways noted the following deficiencies in the original assessment as identified below);
- 1) JSJV does not consider the Catterick comparison site trip rates (Land North of A60555 (22/00189/OUT)) to be suitably representative of the development proposals. In particular, the scale of the comparison sites is significantly in excess of the development proposals and is therefore likely to result in considerably different

trip rates per sqm. JSJV would also note that the residential population within a reasonable walking or cycling distance of the Catterick site also appears considerably larger than in the vicinity of Scotch Corner site. Further to the above, a 'first principles' check of the total trip Registered office Bridge House, generations presented in the updated analysis of Mosodi's email (dated 22nd November) would equate to circa 50% of the proposed individual units not generating any arrivals during the AM peak or departures during the PM peak. JSJV consider this to be unrealistic and indicative of the total site generation being underestimated.

2) Nevertheless, JSJV has now undertaken our own independent, TRICS trip generation assessment of the development proposals, using the industrial estate land use within the software. Furthermore, JSJV has utilised 2011 Census data to distribute these trips onto the local road network, including Scotch Corner roundabout.

- 10.13 The Transport and travel plans were also assessed by the LHA who requested further information on a number of aspects back in October. Further works have been undertaken following a number of concerns that were raised by NYCC LHA and National Highways. These have resulted in the LHA recommended a number of conditions to bring forward with any subsequent reserved matters application.

National Highways' formal response is that they now have no objections to the proposal from their point of view as stated in the consultation response above.

Flood Risk and Surface Water Drainage

- 10.14 National planning advice within the revised NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, Local Planning Authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where it is informed by a site-specific flood risk assessment.
- 10.15 Core Policy CP2 of the Richmondshire Local Plan (2014) advises that development proposals should be steered away from flood risk areas by adopting a sequential approach as set out in prevailing national guidance and be designed to minimise flood risk on-site and elsewhere. According to the Environment Agency's (EA's) flood map, the application site falls within Flood Zone 1, an area with a low probability of flooding. The application has been supported by a Flood Risk Assessment & Drainage Statement.
- 10.16 The Lead Local Flood Authority considered the latest drainage information submitted and made the following comments:
1. Runoff Destinations
Runoff from the development is unconfirmed, as the use of a pumped outfall to a nearby watercourse is highlighted, or a connection to the public sewer system at a greenfield runoff rate is proposed. These options should be confirmed in detailed drainage drawings, in line with the drainage hierarchy

2. Peak Flow Control

A peak flow rate of 14.53l/s has been proposed however this has been rejected by Yorkshire Water and a flow rate of 3.5l/s proposed. Evidence of how the greenfield runoff rate is calculated is required to confirm the proposed rate.

3. Volume Control

Micro Drainage calculations are requested to confirm the required Surface water attenuation volume. The proposed SuDS attenuation features should be able to provide the 1 in 100 year design flood event plus with an allowance for climate change and for urban creep. This should be incorporated into the detail drainage design.

4. Pollution Control

Pollution from surface water runoff from the development from parking areas and hardstanding areas should be mitigated against by the use of oil interceptors, road side gullies, reedbeds or alternative treatment systems.

5. Designing for Exceedance

An exceedance plan is required to show overland flow during an extreme flood event, exceeding the capacity of the proposed drainage system. Mitigation measures should be proposed to minimise the risk of flooding to these properties. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.

6. Climate Change and Urban Creep

An allowance of at least 30% must be made in SuDS design for increased amounts of rainfall as a result of Climate Change. Additionally, a 10% allowance must be made in the designed SuDS for Urban Creep.

7. Maintenance

Arrangements for the maintenance of the proposed SuDS surface water runoff attenuation features should be submitted to the Local Planning Authority for approval, this may be subject to a Section 38 agreement with the NYCC Highways department and additionally a Section 104 agreement with Yorkshire Water

Recommendation to the Local Planning Authority:

The submitted documents are limited recommend that a number of condition are imposed on any permissions granted.

- 10.17 Yorkshire Water advise that a water main crosses the red line site boundary. The presence of the main may affect the layout of the site and therefore consider it to be a material consideration in the determination of this application. It is recommended that no obstruction encroaches within 5 metres on either side of the main i.e. a

protected strip width of 10metres. The exact line of the main will have to be determined on site under Yorkshire Water Services supervision. It may be possible for the main to be diverted under s.185 of the Water Industry Act 1991. These works would be carried out at the developer's expense. The cost of these works may be prohibitive. Conditions and further advice was recommended by YW subject to granting of approval.

Design & Layout, Landscaping and Impact on Landscape Character

- 10.18 Section 12 of the revised NPPF seeks to secure high quality design, with Paragraph 126 explaining that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 of the revised NPPF also seeks to ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character; and establish or maintain a strong sense of place.
- 10.19 The application is submitted in outline form with all matters reserved except means of access. Details in respect of layout, scale, landscaping and appearance are therefore reserved for future consideration. However, a preliminary indicative layout plans and landscape plan sets out a number of parameters for the proposed development including floorspace, buildings to be removed and additional tree planting. Together, these give an indication of how the proposed development of the site could be achieved with minimal impact on the landscape. The majority of boundary trees will be retained as these have been long established from the former use of the site as a caravan park.
- 10.20 The application site does not fall within any nationally designated landscapes. It is considered necessary to impose a number of specific conditions relating to the detailed design and landscaping of the site. Conditions should ensure the proposed development is in line with mitigation recommendations set out in the submitted Preliminary site layout plans and the Arboricultural Assessments and tree survey layout plans. The Method Statement and Tree Protection Plans would be conditioned and supplemented with management and maintenance objectives, specification, schedules of operations relating to frequency and timing and cross referenced to detailed planting plans and species lists (relevant to plant replacements).
- 10.21 The indicative drawings provided for this outline application have demonstrated that the design of buildings, use/layout of space within the site and landscaping could be achieved to represent high quality design, with necessary mitigation in place to address potentially harmful implications. Further conditions in respect of landscaping are recommended, which would in turn help to secure improvements to the natural environment. Subject to accordance with suggested conditions, it is considered that a development could be accommodated on the site, which would comply with Core Policies CP3, CP4, CP12 and CP13 of the Richmondshire Local Plan (Adopted 2014) and are in accordance with the aims of Part 12 of the revised NPPF.

Residential Amenity

- 10.22 Part 8 of the NPPF provides advice on how development can achieve healthy, inclusive and safe places. Parts 12 and 15 of the revised NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
- 10.23 The proposed development has been considered as noise generating. As clarified in the submission at this stage the end users are unknown, however it is assumed that the possible sources of noise are from external plant, external operations and vehicle movements. A noise and vibration impact assessment has been submitted in support of the application. The nearest noise sensitive receptors to the proposed development are the hotels to the north of the site.
- 10.24 The main sources of noise have been identified as follows:
- Sound from industrial and manufacturing processes;
 - Sound from fixed installations which comprise mechanical and electrical plant and equipment;
 - Sound from the loading and unloading of goods and materials at industrial and/or commercial premises; and
 - Sound from mobile plant and vehicles that is an intrinsic part of the overall sound emanating from premises or processes, such as that from forklift trucks, or that from train movements on or around an industrial and/or commercial site.
- 10.25 The report stated that the predicted specific sound levels at The Vintage Hotel and Scotch Corner Hotel are 44 dB(A) and 51 dB(A), respectively. When determining a noise rating level in accordance with the methodology outlined in BS 4142, it is considered appropriate to apply a +3 dB penalty to the predicted specific sound level to account for the intermittent nature of noise from delivery operations, which may make noise from deliveries distinguishable against the residual noise climate. With the penalty applied, the predicted rating levels are 47 dB LAr,Tr at 'The Vintage Hotel', and 54 dB LAr,Tr at the Scotch Corner Hotel.
- 10.26 The predicted rating levels are above the measured 44 dB LA90,T background sound level measured at ML1 during the late evening and night-time at both receptors. In accordance with the guidance from BS 4142 this would indicate an adverse impact at The Vintage Hotel, and a significant adverse impact at the Scotch Corner Hotel. As such, consideration has been given to mitigation measures this sought the inclusion of a 4m barrier. With this in place the predicted specific sound levels are reduced to 36 dB(A) and 41 dB(A) at The Vintage Hotel and Scotch Corner Hotel, respectively, when accounting for a 4 m barrier running along the northern site boundary. Applying a penalty of +3 dB to account for the intermittency of delivery operations, the predicted rating levels are 39 dB LAr,Tr and 44 dB LAr,Tr at The Vintage Hotel and Scotch Corner Hotel, respectively.
- 10.27 Officers consider that given its location with the A66 and A1M to the east and the Designer Outlet to the south and the barrier any noise would be absorbed by these factors negating the need for any further mitigation measures. The inclusion of such

a barrier on the northern boundary would integrate well with the existing tree lined boundary resulting in minimal harm to the wider landscape. No comments were received from Environmental Health. The proposal would be compliant with Core Policies CP3, CP4, CP12 and CP13 of the Richmondshire Local Plan (Adopted 2014).

Sustainability and Climate Change

- 10.28 Richmondshire Council declared a climate emergency in July 2019. For the planning process, the climate emergency is primarily focussed on putting planning policy in place to ensure protection of the environment and achievement of net-zero carbon in the district by 2034.
- 10.29 The application is seeking outline planning permission with all matters reserved except for access, and so the full scope of carbon savings in accordance with the aims of the Richmondshire Local Plan (2014) cannot fully be established at this stage and would come out at the detailed design stage through the submission of reserved matters. However, it is noteworthy that the submitted Planning Statement states that the aim of this scheme is to create a high-quality scheme that relates, respects and responds to the character of the surrounding area as well as contributing to the requirement for ensuring the storage and distribution activities of Richmond. This should form the base line of future buildings in their use, design, materials, workmanship, sustainability, life cycle, carbon footprint, etc.". it is expected that all aspects of sustainable building design and energy savings should be incorporated throughout the development. A suitable condition will be attached to ensure compliance the policy CP2 and CP4 of the Local Plan.

Section 149 of The Equality Act 2010

- 10.30 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.
- 10.31 The development of a site for B2 – B8 storage facilities would not result in a negative effect on any persons. The proposal is considered to have a positive impact on persons with The Equality Act 2010 protected characteristics.

Heritage

- 10.32 The NYC Heritage officer advises 'The application area has high archaeological potential, particularly for deposits of the Roman period. The site is adjacent to the route of Dere Street, a major road in the Roman period. Recent archaeological work in advance of the A1 upgrade and proposed retail park at Scotch Corner identified a significant Roman roadside settlement to the immediate west of the A1 and A6105. It is recommended that a condition is applied to secure the archaeological recording:

a scheme of archaeological mitigation recording is undertaken in response to the ground disturbing works associated with this development proposal. This should comprise an archaeological strip, map and record to be undertaken in advance of development, including site preparation works, topsoil stripping, excavations for new foundations and new drainage or services, to be followed by appropriate analyses, reporting and archive preparation.

11.0 Planning Balance and Conclusion

- 11.1 The application site is situated outside of any recognised settlement, and for planning purposes falls within the countryside. However, the proposal is immediately adjacent to the upgraded Junction 53 of the A1 (M) motorway, which Spatial Principle SP5 of the Local Plan states can be considered for appropriate economic development opportunities subject to an appraisal of their requirements to link directly with the strategic road network taking into account the feasibility (of such linkages) and existing local conditions. No details have been submitted by the Applicant to appraise the requirements of possible end users to link directly with the existing strategic road network as required by Spatial Principle SP5 of the Local Plan. However, Part 4 of the Central Richmondshire Spatial Strategy does identify the potential for development at the Scotch Corner junction. Furthermore, it is Officer opinion that it is reasonable to conclude that employment uses such as those proposed are commonly located close to the strategic road network for ease of access by HGVs to serve the development accordance Spatial Principle SP5 and Core Policy CP1 of the Richmondshire Local Plan (2014).
- 11.2 The development will be sustainable due to its location and visual appearance, but also due to the existing tree planting, a biodiversity net gain can be achieved. The development thus accords with Policies CP2 paragraph 1 and CP3. The development has been found to be acceptable in relation to protected species, trees, and archaeology.
- 11.3 Two areas have been identified to be inadequate in respect of flooding and drainage however these elements can be dealt with at the reserved matters stage.

12.0 Recommendation

- 12.1 That outline planning permission to include access, is GRANTED subject to conditions listed below.

Recommended conditions:

Condition 1 Time Limit

Prior to the commencement of development details of the following matters (in respect of which approval is expressly reserved) shall be submitted to, and approved in writing by, the Local Planning Authority:

- (a) the scale of the development.
- (b) the layout of the development.
- (c) the external appearance of the development.
- (d) the landscaping of the site.
- (e) drainage

The development shall be carried out in accordance with the approved details.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

Condition 2 Reserved Matters

Application for approval of the reserved matters of appearance, landscaping and layout shall be made to the local planning authority not later than three years from the date of this permission.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

Condition 3 Timescale

The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

Condition 4 Highways (discharge required)

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

Road markings, combined pedestrian and cyclist facilities must be provided at the ingress and egress of the site to current design standards prior to occupation of the development Please note: Drainage, lighting, linage and signage details will need to be assessed at the detailed design stage and improvements/modifications provided in line with NYCC's design requirements and in consultation with the Local Highway's Authority.

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 engineering 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. An independent Stage 2 Road Safety Audit [commissioned in accordance with NYCC protocol] carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the

recommendations of the submitted Safety Audit prior to the commencement of works on site. An independent Cycle Level of Service (CLOs) and Junction Assessment Tool (JAT) auditing support of the proposal must be carried out in accordance with DfT LTN 1/20 Cycle Infrastructure guidance, which must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Audit prior to the commencement of works on site. 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.

Condition 5 Access Road works

There must be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) at Barrack Bank (A6108) until full details of the following have been submitted to and approved in writing by the Local Planning Authority: vehicular, cycle, and pedestrian accesses; vehicular and cycle parking; vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear, and; loading and unloading arrangements. No part of the development must be brought into use until the vehicle access, parking, manoeuvring and turning areas at Barrack Bank (A6108) 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.

Reason: In the interests of highway safety

Condition 6 Travel Plan Delivery

The development must be carried out and operated in accordance with the approved Travel Plan. Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented as long as any part of the development is occupied.

Reason: To establish measures to encourage more sustainable non-car modes of transport.

Condition 7 Construction Management Plan (discharge required)

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

1. details of any temporary construction access to the site including measures for removal following completion of construction works;
2. restriction on the use of access for construction purposes shall be assessed and approved by the Local highway Authority;
3. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
4. the parking of contractors' site operatives and visitor's vehicles;
5. areas for storage of plant and materials used in constructing the Development clear of the highway;
6. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
7. details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
8. protection of carriageway and footway users at all times during demolition and construction;
9. protection of contractors working adjacent to the highway;
10. details of site working hours;
11. erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
12. means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
13. measures to control and monitor construction noise;
14. an undertaking that there must be no burning of materials on site at any time during construction;
15. removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
16. details of the measures to be taken for the protection of trees;
17. details of external lighting equipment;
18. details of ditches to be piped during the construction phases;
19. a detailed method statement and programme for the building works; and
20. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity

Condition 8 Water Main

No building or other obstruction including landscape features shall be located over or within 5 (five) metres either side of the centre line of the water main i.e. a protected strip width of 10 (ten) metres, that enters the site. If the required stand-off distance is to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker.

Reason: In order to allow sufficient access for maintenance and repair work at all times. A water supply can be provided under the terms of the Water Industry Act, 1991.

Condition 9 Public Sewerage Infrastructure (discharge required)

No construction works in the relevant area(s) of the site shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times.

Reason: In the interest of public health and maintaining the public sewer network.

Condition 10 Separate systems for sewage and drainage

The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

Reason: In the interest of satisfactory and sustainable drainage

Condition 11 Piped discharge (discharge required)

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. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:

- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
- ii) the means of discharging to the public sewer network at a rate not to exceed 3.5 litres per second.

(To ensure that no surface water discharges take place until proper provision has been made for its disposal)

Surface water run-off from hardstanding (equal to or greater than 800 square metres) and/or communal car parking area(s) of more than 50 spaces must pass through an oil, petrol and grit interceptor/separator of adequate design that has

been submitted to and approved by the Local Planning Authority, prior to any discharge to an existing or prospectively adoptable sewer.

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

Condition 12 Use Restriction

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 (as amended) (or any revocation and re-enactment of that order), the premises shall be used only for uses described within this application contained within B8 (Storage and Distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any revocation and re-enactment of that order) and for no other use.

Reason: In the interests of the amenity of the area in accordance with Core Policy CP3 of the Richmondshire Local Plan and Part 15 of the National Planning Policy Framework.

Condition 13 Scale of development

Notwithstanding the detail contained within the application, there shall be no more than 107,640 sqm of floorspace (net internal floorspace) used for purposes falling within Use Class B8 (Storage and Distribution)

Reason: To ensure the safe operation of the Strategic Road Network and in accordance with Core Policy CP4 and Core Policy CP9 of the Richmondshire Local Plan.

Condition 14 Landscape Maintenance and Management Plan (discharge required)

No development, other than site remediation works, shall commence within each phase, or part thereof, until a Landscape Maintenance and Management Plan has been submitted to and approved in writing by the Local Planning Authority for that phase. All new planting proposals for that phase should be supplemented with management and maintenance objectives, specification, schedules of operations relating to frequency and timing and cross referenced to detailed planting plans and species lists (relevant to plant replacements).

The approved landscaping scheme for that phase shall be implemented and completed in accordance with the approved details and timescales. Any trees or plants which die, fail to flourish or are removed within 5 years of completion of the development, phase or part thereof, shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

Reason: In the interests of the visual amenity of the area and to comply with Core Policies CP4, CP12 and CP13 of the Richmondshire Local Plan and Parts 12 and 15 of the National Planning Policy Framework.

Condition 15 Climate change (discharge required)

Prior to the construction of any building hereby approved a detailed Energy Statement for that building shall be submitted to and approved in writing by the local planning authority in accordance with the principles established by the approved Design and Access Statement. The energy statement shall demonstrate how opportunities to deliver carbon savings in excess of Building Regulation requirements have been considered and demonstrate that carbon savings have been maximised by incorporating appropriate opportunities into the design of the building (having regard, if appropriate, to any opportunity for coordinating and linking of infrastructure with any other part of the whole development). Development shall be carried out in accordance with the approved details.

Reason: To ensure that carbon savings are maximised for the development in accordance with Policy CP2 of the Richmondshire Local Plan, and to reserve the rights of the Local Planning Authority with regards to this matter.

Condition 16 Lighting (discharge required)

No building shall be occupied until details of any external lighting have first been submitted to and approved in writing by the Local Planning Authority prior to the building hereby permitted being brought into use. The detail provided shall demonstrate adherence to the ILP guidance notes for the reduction of intrusive light. The external lighting shall be erected and maintained in accordance with the approved details thereafter.

Reason for condition

In order to minimise light spillage and glare, in accordance with Core Policy CP13 of the Richmondshire Local Plan and Part 15 of the National Planning Policy Framework.

Condition 17 Noise (discharge required)

Prior to the installation of any fixed plant an updated Noise Assessment shall be submitted to and approved by the Local Planning Authority, to demonstrate that the predicted noise levels as set out in the Noise report can be met.

Reason: In the interests of amenity of the area in accordance with Core Policy CP3 of the Richmondshire Local Plan.

Condition 18 Sections (discharge required)

Prior to the commencement of earthworks, cut and fill drawings and an earthworks design specification shall be submitted to and approved in writing by the Local

Planning Authority. The specification and drawings shall be implemented as approved.

Reason: In the interests of the visual amenity of the area and to comply with Core Policies CP4, CP12 and CP13 of the Richmondshire Local Plan and Parts 12 and 15 of the National Planning Policy Framework.

Condition 19 Attenuation flood measures (discharge required)

Development shall not commence until a scheme restricting the rate of development flow runoff from the site has been submitted to and approved in writing by the Local Planning Authority. The flowrate from the site shall be restricted to a maximum flowrate of 3.5 litres per second for up to the 1 in 100 year event. A 30% allowance shall be included for climate change effects and a further 10% for urban creep for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme has been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

Reason: To prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage system.

Condition 20 Biodiversity (discharge required)

No development shall commence until a scheme for biodiversity mitigation and enhancement associated with the proposed development, including management proposals for the lifetime of the development, has been submitted to and approved in writing by the local planning authority. The scheme must demonstrate a net gain in biodiversity unless it can be demonstrated that it is not possible to achieve. The scheme must be prepared in the context of:

(a) the Government's Planning Practice Guidance and any other relevant best practice; and

(b) the baseline conditions and recommendations contained within the "Ecological Impact Assessment – September 2020", produced by Naturally Wild Consultants Limited, submitted in support of this application.

Thereafter, the site shall be developed and maintained in accordance with the approved management details.

Reason: In the interests of the biodiversity of the site and the surroundings.

Condition 21 Sustainable Drainage (discharge required)

Development shall not commence until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document). The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed. Note that further restrictions on surface water management may be imposed by Yorkshire Water and the Local Planning Authority.

Reason: To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.

Condition 22 SUDS Maintenance (discharge required)

No development shall take place until a suitable maintenance of the proposed SuDS drainage scheme arrangement has been demonstrated to the local planning authority. Details with regard to the maintenance and management of the approved scheme to include; drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development.

Reason: To prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage system

Condition 23 Drainage within the site (discharge required)

The development shall not commence until a scheme, detailing the treatment of all surface water flows from parking areas and hardstanding through the use of road side gullies, oil interceptors, reedbeds or alternative treatment systems, has been submitted to and approved in writing by the Local Planning Authority. Use of the parking areas/hardstanding shall not commence until the works comprising the approved treatment scheme have been completed. Roof water shall not pass through the treatment scheme. Treatment shall take place prior to discharge from the treatment scheme. The treatment scheme shall be retained, maintained to ensure efficient working and used throughout the lifetime of the development.

Reason: To prevent pollution of the water environment from the development site.

Condition 24 Flood resilience (discharge required)

Development shall not commence until a scheme for the accommodation of additional flows impacting upon the watercourse network have been submitted to and approved in writing by the Local Planning Authority. The scheme shall cater for the impact resulting from the minimum 1 in 100 year return period storm event including a 30% allowance for climate change effects and a further 10% for urban creep for the lifetime of the development. No part of the development shall be brought into use until the works comprising the scheme approved under this condition have been completed.

Reason: To accommodate flows in storm events and allow for future maintenance.

Condition 25 SUDS (discharge required)

No development shall take place until an appropriate Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.

Reason: To prevent flooding to properties during extreme flood events and to mitigate against the risk of flooding on and off the site.

Target Determination Date: 10.03.2023

Case Officer: Mark Danforth, mark.danforth@northyorks.gov.uk

Appendix A – History of site appeal

The application 10/00 00224/OUT was refused for a number of reasons these are outlined below for member reference.

The main reasons at that time were the access and transportation issues. The other issues, were :

- a) the fundamental principle of whether it would be appropriate to redevelop the caravan site for employment uses accepting the loss of the tourist facility?
- b) would it be premature to grant outline planning permission at this point in time when development on the adjoining business park site (which is the prime justification for accepting the redevelopment of this application site) has not yet commenced and certainly is not yet well underway?
- c) if redevelopment of this site is only acceptable as a second phase to the business park site, should it be accessed directly from that land with no access direct from the A6108?
- d) what would be appropriate uses for this site? In considering this question, it would be relevant to note that the permission (now expired) for the Dalesway Lodge specifically ruled out anything other than B8 uses because the site was not considered to be a sustainable location for uses which employed or attracted large numbers of people, albeit that it would be appropriate for storage and distribution uses requiring good access to the strategic road network.
- e) if the site were considered suitable for B8 uses, how could it accommodate the large/tall buildings normally associated with such uses?
- f) how can impacts on adjoining neighbours be mitigated?

The application (10/00224/OUT) was subsequently appealed - Dismissed 15.12.2011. Below is a brief summary, of the Planning Inspectors concerns and issues raised (again for member information.)

The Planning Inspector (PI) erred “the main issue in this case is whether, having regard to local and national policy, the proposal would amount to sustainable development, with particular reference to: the effect on the living conditions of the occupants of neighbouring sites with regard to noise and disturbance; economic development, highway safety, archaeological interests and drainage.” He also did not regard the grant of planning permission for the Employment Park (EP), Ref. 06/00466/OUT as setting a precedent supportive of the appeal proposal in relation to noise. The (EP) plot closest to the appeal site would be nos. 2, 3 and 4.’

This site to the south of this site is now under construction as an out of town shopping complex therefore noise would not be a concern with this site generating its own noise from the comings and goings of deliveries and customers alike.

Sustainability of the site was also a concern from the PI’s perspective due to the site location away from areas of potential work force.

Officers advise on this is that this element of the proposal has not changed during the past 11 years with the only nearby settlement of Middleton Tyas lying within 2 km of the site. The town of Richmond lies approximately 6km away with Brompton-on-Swale approximately 3km away.

The PI's primary concern was highway safety he concluded "on balance that the proposal would be likely to cause unacceptable harm to highway safety, with particular reference to visibility, contrary to the aims of PPG13." The main area of concern raised was the ability to undertake 'U' turns; The PI erred "it is worth noting that this would be removed if the (EP) development were to be implemented."

For this case officers advise members that the construction of the roundabout within close proximity to this site and the implementation of the (EP) together with the safety barriers between the north and southbound route negates the ability by highway users to operate a 'U' turn. This is a significant material change to how the 2010 application was assessed and the conclusions drawn by officers and the PI with regards to highway safety concerns in the refusal and subsequent dismissal at appeal.

Appendix B – Proposed site layout

