

North Yorkshire Council

Community Development Services

Richmond (Yorks) Constituency Planning Committee

09 November 2023

22/00047/OUT - Outline application for demolition of the vacant Dalesway Lodge Motel & Restaurant, & the construction of a petrol filling station (sui generis) with associated kiosk/shop (use class e) & two drive-through restaurants (sui generis), together with construction of a new vehicular access, car parking, electric vehicle charging facilities & other works

**At: Eastside Barracks Bank, Scotch Corner, Richmond, North Yorkshire, DL10 6NS
For: Scotch Corner Richmond LLP**

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the Report

- 1.1 To determine a planning application for the construction of a petrol filling station (sui generis) with associated kiosk/shop (use class E) and two drive-through restaurants (sui generis), together with construction of a new vehicular access, car parking, electric vehicle charging facilities and other works on land at Eastside Barracks Bank, Scotch Corner, Richmond, North Yorkshire, DL10 6NS.
- 1.2 This application is brought to the Area Planning Committee due to a call in request from the ward member who raised highways capacity and need for the development as significant material planning considerations.

2.0 Executive Summary

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

- 2.1. This application seeks Outline Planning Permission with details of access only for demolition of the vacant lodge motel and restaurant together with redevelopment of the site with a petrol filling station, two drive-through restaurants (use class sui generis) and construction of a new vehicular access, car parking, electric vehicle charging facilities and other works.
- 2.2 The site extends to 1.5ha and lies just to the south of the Scotch Corner roundabout, on the A6108 Barracks Bank Road to Skeeby. The site is within the countryside outside of any allocation. The Spatial Strategy sets out that at junctions on the upgraded A1 motorway including Scotch Corner, priority will be given to:
- Consolidation of the existing and committed employment development at Scotch Corner, with no further expansion onto undeveloped land;
 - Appropriate motorway related development will be considered subject to Spatial Principle SP5.

- 2.3 As the site comprises circa half previously developed land and half unfarmed scrubland/meadow land, it partially complies & partially conflicts with the first bullet point above. The uses proposed are considered to be appropriate motorway related development and thus complies with the second bullet point. Therefore, as the proposal seeks to re-organise and re-configure the layout of buildings across the site, the development is considered overall compliant with the North Richmondshire Spatial Strategy, subject to compliance with Policy SP5.
- 2.4 All technical aspects have been considered to be acceptable with no Statutory Consultee objections. Highways England have advised the Scotch Corner Junction has sufficient capacity to accommodate the development.
- 2.5 How to secure Biodiversity Net Gain (condition or S106) is being discussed currently and will be updated in the Update List/ Supplementary Report.

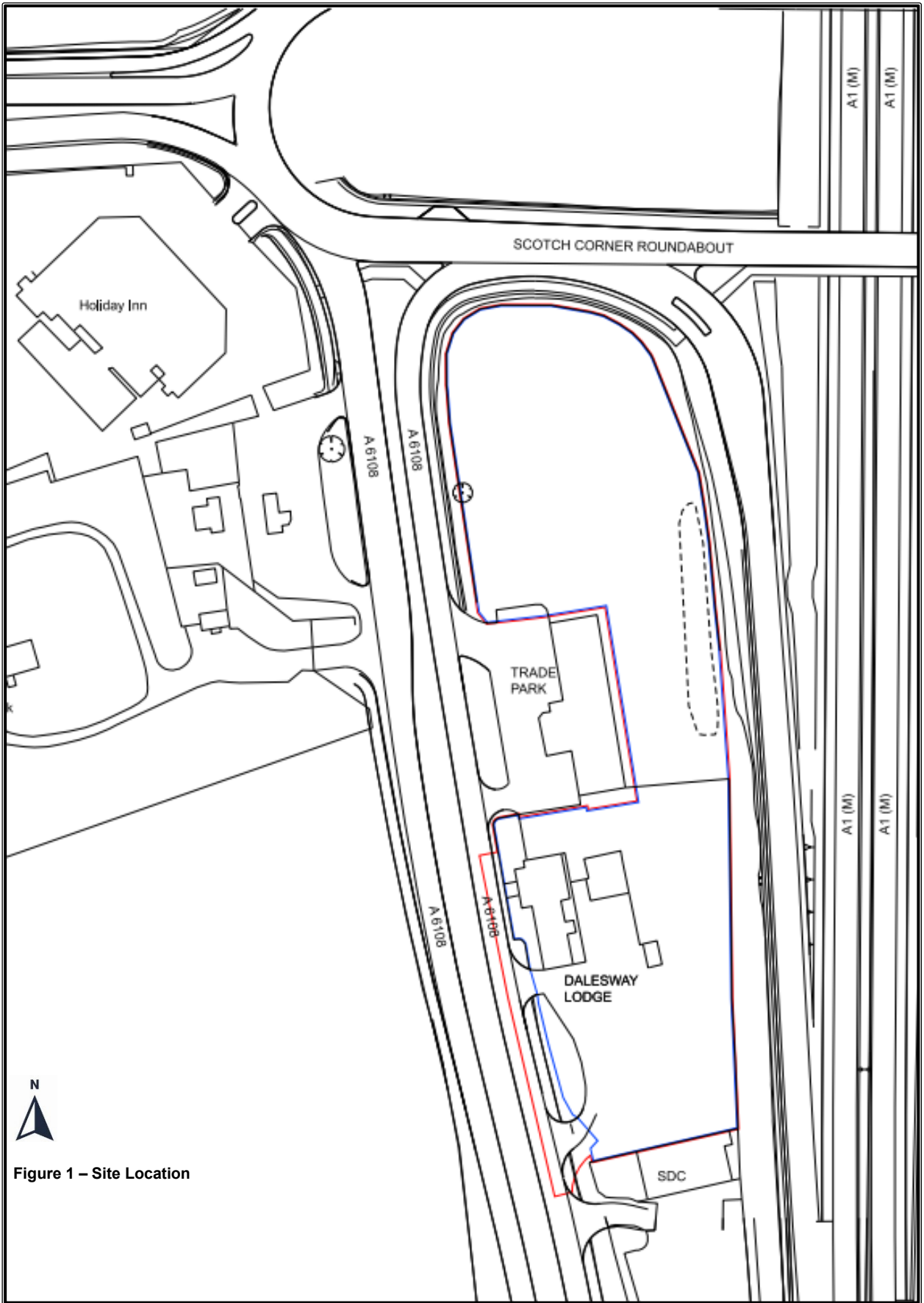


Figure 1 – Site Location

3.0 Preliminary Matters

- 3.1. Access to the case file on Public Access can be found here:-
[Online Documents](#)
- 3.2. There are a number of other applications that are of relevance, which are detailed below:
- 3.3. Planning permission at the application site was granted as follows:
07/00201/OUT- Outline Application for Proposed Use of Existing Building and Erection of New Buildings in Connection with Business Use Classes B1 and B8
GRANTED 08.06.2007
- 3.4. On the opposite side of Barrack Bank, there are some significant consents in place. Development has commenced of a permitted 23,000m² Scotch Corner Designer Outlet¹. There is also permission for a 10,000m² Blue Diamond garden centre². Associated with these, there are two further live planning applications, including an extension to the Designer Outlet (22/00790/OUT) which would extend it by around a further 39,000m².
- 3.5. There are live applications for a B2 advanced manufacturing facility of around 26,000sqm (22/00787/OUT); and a film and radio studio (23/00006/OUT).
- 3.6. To the north, on the northern (opposite) side of the Scotch Corner gyratory there is a further live planning application³ for a further drive-through restaurant and associated access, servicing and landscaping (22/00402/OUT).
- 3.7. Please see Appendix A for a map of Live and Permitted planning applications/permissions.

4.0 Site and Surroundings

- 4.1. The application site extends to 1.5ha and is located in-between the A1(M) (to the east) & the A6055 (Barrack Bank) to the west. The main Scotch Corner gyratory roundabout lies to the north. Access to the site is currently taken from its western boundary via Barrack Bank, immediately to the south of the two-storey Dalesway Lodge.
- 4.2. As it stands, the northern half of the site lies undeveloped, and its southern half contains the Dalesway Lodge and its associated hardstand / parking area. A small industrial shed is located outside but adjacent to the central portion of the application site, which operates as a small trade park, mainly offering vehicle repair services. Behind this is the thinnest portion of the application site, which links the northern and southern portions. This is currently scrubland with a row of mature trees that run along the eastern boundary of the site. These afford some screening to the A1(M) which lies beyond. There are no Tree Preservation Orders in place and the site is not within a Conservation Area, nor are there any Listed Buildings in the vicinity.
- 4.3. On the opposite side of Barrack Bank planning permission has been granted for a Scotch Corner Designer Outlet Centre, which is currently under construction. Once complete, the frontage of this development, facing onto Barrack Bank and the application site would feature the Designer Outlet's large car parking area. North of this can be found the Leisure Parks Scotch Corner caravan site and to the north of this is the imposing three storey Holiday Inn. Across to the north-east, on the opposite site of the A1 can be found the main Scotch Corner services area, operated by Moto. This includes a M&S, Subway & Travel Lodge. There are several planning permissions for major commercial developments in the locality which are discussed in Section 3.0 of this report.

¹ Application Ref Nos: 14/00687/FULL and 15/00806/FUL Appeal Ref No: APP/V2723/V/15/3132873

² Application Ref Nos: 20/00955/FULL

Highways England Scotch Corner Upgrades Programme

- 4.4. Highways England's website sets out that they are intending to undertake the following works to Scotch Corner Junction 53:
- Widen the Middleton Tyas Lane approach to the A1(M) junction 53 at Scotch Corner roundabout from one lane to two lanes. This will result in better access to the roundabout at this priority approach
 - Relocate an existing footway, bus stop, signage and lighting columns onto the southern verge of Middleton Tyas Lane to accommodate the additional carriageway lane
 - Add an additional lane within the extents of the northern bridge cross section on the circulatory carriageway with amended lane road markings on either side of the bridge

A map of these works is provided as Appendix B. The associated Development Consent Order for the wider project 'A66 Northern Trans-Pennine' is expected to be granted in late 2023 with construction works to commence 2024. A programme for Scotch Corner specific works will be provided in Supplementary Planning Update if available.

5.0 Description of Proposal

- 5.1. The application seeks Outline Planning Permission with details of access only together with the demolition of the vacant Dalesway lodge motel and restaurant, which extends to 730m² over two floors. Once the site has been cleared, it would then be redeveloped to accommodate a petrol filling station, two drive-through restaurants and associated infrastructure, such as car parking, EV charging facilities and other associated works.
- 5.2. The new vehicular access is proposed from the south-west of the site, from the A6108. This new access would be at the very southern end of the site and would take the form of a new slip-lane, running into the site from Barrack Bank. Once inside the site, the main internal circulation road would then head back north, as it leads you towards the new petrol filling station that would be on the southern portion of the site. Whilst the final details of the scheme would be agreed via a further Reserved Matters application, it is noted at this stage that indicative details have been submitted, in order to demonstrate at least one way in which the site could be laid out. However, it is important to remember that the ultimate final layout, remains reserved for approval at a later date.
- 5.3. Looking at the submitted details though, these show the petrol station as being your typical arrangement for this type of operation, with a 372m² kiosk/shop facing onto a covered petrol filling area. A small parking area would also be provided at the entrance to the petrol station, to provide for 8 no. EV chargers and 7 no. regular parking spaces.
- 5.4. From here, the circulation road would continue north, parallel with the A1(M), where it passes through the narrow central portion of the site. There you would find a dedicated EV charging area for a further 26 no. EV charging spaces and 5no. standard car parking spaces. Beyond this, you then finally reach the northern end of the site – closest to the Scotch Corner Gyratory. Here would be the two drive thru restaurants: one at either end of this northern portion of the site. These would have a combined floor space of 539m² with parking for a further 69 vehicles centrally located between the two outlets.

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

Guidance - Material Considerations

6.3. Relevant guidance for this application is:

- National Planning Policy Framework 2023
- National Planning Practice Guidance

7.0 Consultation Responses

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

Parish Council: No comments received.

Ward Member(s): No comments received.

Environment Agency: No objection, and has provided advice in respect of groundwater, contaminated land, waste on and off site.

Environmental Health: Consider the impacts to amenity to be limited. Also, due to former land uses including agricultural/open land or light commercial/industrial, it recommends the imposition of a condition requiring an ongoing watching brief for contamination during the construction phase.

LLFA: Following submission of additional information, consider the documents demonstrate a reasonable approach to the management of surface water on the site. Recommend conditions are included within any approval notice.

National Highways: Following National Highways completing a TRANSYT (Traffic Network Study Tool) assessment(s) no objection and no recommended conditions. They have advised that they are confident that this application will not require mitigation coming forward on its own.

NYCC Highways: Has been party to joint discussions with the applicant and National Highways in order to ensure that the Transport Assessment is of an acceptable scope which adequately considers the impacts of recent and committed development around Scotch Corner. They are satisfied with this assessment and recommend the imposition of a number of conditions to be attached to any permission granted.

North Yorkshire Police: Provides advise to reduce and avoid crime.

NYCC Ecologist: Is satisfied in respect of protected species/ wildlife specific surveys. Mitigation will be required for bats. In respect of Biodiversity Net Gain (BNG) there will be a net loss of habitats units and the applicant needs to confirm how this will be dealt with on or off-site. Recommends conditions.

NYCC Heritage Services: Although the development area is within a sensitive archaeological landscape it is clear from the results of the archaeological fieldwork that the potential of this particular parcel of land is low. No further archaeological work is required for this application site.

Yorkshire Water: No objection, subject to conditions for: sewer easement; separate foul and surface water drainage; surface water restrictions; adequate water supply. It also recommends the final layout will require amending to take into account the sewer that runs through the site, or that this is diverted.

Local Representations

7.2 Eight local representations have been received, objecting to the proposal. The concerns raised relate to:

- The existing development being sufficient for this rural location
- Damage to the environment
- Increased traffic congestion
- Increased levels of car parking
- Increased litter
- Changes to the character of the area
- No heritage assessment of buildings to be demolished
- Conflict with the strategic policies for the North Richmondshire Sub Area
- Failure to satisfy the sequential test

8.0 Environment Impact Assessment (EIA)

8.1 The development is an Urban Development Project for the purposes of the Environmental Impact Assessment Regulations 2015 (as amended) and is over 1ha of non-residential development. As such the Council as Local Planning Authority have screened the development and found that it is not EIA development and therefore no Environmental Statement is required to be submitted with the application. The Screening Checklist which acts as the report and decision and decision on this matter is available to view on the Council's website. Nothing has changed since the issuing of the Screening Decision and it is still effective for the Committee Decision.

9.0 Main Issues

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

- Principle of development
- Highways, Access and Parking
- Ecology and Biodiversity
- Drainage and Flooding
- Design and Appearance
- Energy Efficiency
- Heritage / Archaeology
- Amenity

10.0 Assessment

Principle of Development

10.1. The site is located off Scotch Corner upgraded roundabout, within the countryside outside of any allocation or growth area. The development involves the loss of a motel and restaurant and development of a petrol station and two drive through restaurants all sui generis use class. The NPPF Glossary sets out that drive-through restaurants and retail units (the petrol station kiosk building) are a main town centre use. There are no specific policies restricting the loss of overnight accommodation and restaurants to be replaced with other employment uses.

10.2. The application site is within the Northern Richmondshire Sub-Area and the Spatial Strategy sets out that at junctions on the upgraded A1 motorway including Scotch Corner, priority will be given to:

- consolidation of the existing and committed employment development at Scotch Corner, with no further expansion onto undeveloped land;
- appropriate motorway related development will be considered subject to Spatial Principle SP5.

- 10.3. The development site comprises circa half previously developed land and half greenfield and therefore partly conflicts and partly complies with the first bullet point. The proposal of a petrol station, EV charging and two drive through restaurants are considered to be appropriate motorway related development and thus complies with the second bullet point. The entire site is constrained by road development to the north, east and west and thus would not result in urban sprawl. As such, it is considered that the development complies with the North Richmondshire Spatial Strategy when considered overall subject to compliance with Policy SP5.
- 10.4. Policy SP5 Scale and Distribution of Economic Development sets out that appropriate economic development opportunities related to the A1 specified upgraded junctions including Scotch Corner will be considered subject to a detailed appraisal of their requirements to link directly with the strategic road network, the feasibility of this link and local conditions that exist in these locations.
- 10.5. Policy CP3 sets out that support will be given for sustainable development which promotes: (a) the efficient use of land and infrastructure including developments with a sustainable and complementary mix of uses, and (m) the provision of essential services to the public. The Policy encourages developments to utilise previously developed land first (brownfield land), where that land is in a sustainable location and is not of high environmental value, in preference to greenfield sites.
- 10.6. Policy CP9 sets out that main town centre uses of over 500sqm will be supported where: (a) there are no suitable, viable and available sites firstly within, then on the edge of, the existing town centre; (b) an impact assessment has demonstrated that proposals will not have an adverse impact on the vitality and viability of the District's town centres, or on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and (c) it would be accessible by a choice of means of transport, and the local transport system is capable of accommodating the potential traffic implications.
- 10.7. The DC&LG decision dated 1 December 2016, reference APP/V2723/V/15/3132873 and APP/V2723/V/16/3143678, for the retail outlet noted that Policy CP9 sequential test threshold of 500sqm was not consistent with the NPPF's threshold of 2,500sqm. Furthermore the SoS set out that given the largely rural nature of Richmondshire District Council, the CS policy takes a pragmatic approach to determining when the sequential and impact tests "bite". In this instance, the ADP is over 5 years old and has not been reviewed at the current time, and as such it is considered appropriate to allow some flexibility and to not require a sequential test for a development which is less than half than the NPPF threshold.
- 10.8. A further consideration when determining whether a sequential test is required is the type of development proposed and its location near a major planned development the retail outlet and garden centre. A petrol station with kiosk and two drive through restaurants would complement the aforementioned committed major development which is currently being delivered opposite the application site. Notwithstanding this, the aforementioned development are not sufficiently progressed to provide certainty they will come forward and therefore it is recommended to only attach modest weight to this aspect.
- 10.9. A further consideration is that it is not considered that drive-through restaurants and a petrol station are preferred main town centre uses which would bring strong benefits if sited within Richmond, Northallerton or Darlington centres, as these already benefit from a variety of such services.
- 10.10. Moving onto the impact assessment, Scotch Corner already has a petrol station, Subway, Greggs, Burger King, M&S Simply Food and West Cornwall Pasty Co to the south-east of the Scotch Corner Roundabout. This development will create choice and will draw some

trade away from the existing service area, together with Barton Park Services at Junction 56 to the north. In the context of these existing similar services and committed retail developments to the south-west, the draw away from any town or city centres will be minimal and cause negligible impact. There may be an impact to other similar committed plans and projects which include petrol stations and their kiosks and drive through restaurants, however, this is considered to be healthy competition.

- 10.11. In relation to drive through restaurants, these may be operated by chain business' which include menus which are not weighted towards healthy options. The Council's adopted development plan do not contain any policies on drive through restaurants or hot food takeaways. We do not for this area have any recent data on population obesity, deprivation, health inequalities and general poor health as referenced by the NPPG (Healthy and safe communities). The site will not be accessible from any school.
- 10.12. A further consideration is whether the development would result in an over-concentration of certain uses within a specified area. In this local, there is a Moto Scotch Corner service area to the north-east with a number of food options. This Service Area is low lying and well screened to the east and therefore visually the area is not dominated by this type of road service development. Given the number of users of Scotch Corner roundabout and the connecting A1, it is considered that these additional two food outlets would be proportionate and not result in an over-concentration of hot food restaurants/ takeaways/ drive throughs.
- 10.13. Having regard to all of the above factors, it is considered the principle of development is acceptable.

Highways, Access and Parking.

- 10.14. Due to the proximity of the site to the A1(M) Trunk Road Network, National Highways imposed a holding directive on this application until they had fully considered the highways impacts of the proposal, alongside the NYC Highways Team. Due to the cumulative affects arising from the traffic which would be generated by the Designer Outlet Centre and Garden Centre opposite if built, careful consideration has had to be given to ensure that adequate assessments and mitigation measures are in place across all of the current consents in this location, to cover the respective uplifts of traffic.
- 10.15. The application is supported by a comprehensive set of highways reports and drawings including: a Transport Assessment; a Transport Note, which deals with capacity assessment at Scotch Corner and a plan showing additional widening to Middleton Tyas Lane and widening to the western circulatory to provide a 3rd lane.
- 10.16. Having studied the submissions and conducted their own modelling of the impact of the development, National Highways have concluded that the application proposals would not require mitigation at the Scotch Corner gyratory. NYC Highways have requested conditions be imposed to secure the following:
 - A scheme of off-site highway works, comprising road markings and combined pedestrian and cyclist facilities on Barracks Bank
 - Full and final details of
 - vehicular, cycle and pedestrian access to the site from Barrack Bank
 - vehicular and cycle parking
 - vehicular turning arrangements
 - loading and unloading arrangements
 - Development operated in accordance with the Travel Plan
 - Construction Management Plan

Subject to the above, the proposal is therefore considered acceptable from a highways perspective and as such, accords with Policy CP3.

Ecology and Biodiversity

- 10.17. The application is supported by a suite of wildlife and biodiversity information, including a Preliminary Ecological Appraisal (PEA); Biodiversity Net Gain Report (BNGR) and tree and wildlife surveys, which provide the relevant appraisals of the site as well as recommendations to be incorporated in order to mitigate against any effects arising from proposal.
- 10.18. Following on from the PEA, surveys for reptiles and bats have been conducted, which are considered by NY Ecology as acceptable. No reptiles were found, and no specific mitigation measures are required in this respect.
- 10.19. Two day roosts for bats, each occupied by a single Common Pipistrelle, were identified during the survey work. These are located in the vacant Dalesway Lodge building. Whilst all bat roosts are protected by law, this type of roost is of lower conservation significance and its loss can be compensated for by standard measures such as incorporation of bat boxes/bricks/tubes into new buildings. Provided such mitigation is implemented, the proposal is considered compatible with the favourable conservation status tests set out in the Conservation of Habitats & Species Regulations 2017. It would be reasonable to impose a condition to ensure such measures are achieved. In addition to this, the applicant will be advised that a protected species mitigation licence will be required from Natural England.
- 10.20. Bird surveys also revealed that the same building also contains two no. Swallow nests and an unknown number of Jackdaw nests. Whilst some compensation recommendations are made in section 6 of the PEA, it is unclear at this stage if the applicant intends to incorporate these into the proposals. Therefore, it is considered necessary to impose conditions to ensure these (or suitable alternatives) are agreed prior to the commencement of development.
- 10.21. In terms of biodiversity net gain, the submitted BNG Report shows that whilst the proposal could deliver a substantial uplift in terms of hedgerows, it would also result in a significant net loss of area-based habitat, arising from the loss of grassland and introduction of hardstanding areas. Consequently, it will be important for the applicant to show how they intend to make good this deficit, through either on-site or off-site measures or a combination of the two. A S106 has been suggested by officers to secure off-site BNG compensation, however, the applicant has suggested a condition. An update on this point will be provided within the Update List/ Supplementary Report. It is understood the applicant owns land in the vicinity.
- 10.22. In summary, subject to the above, it is considered that appropriate ecological measures will be able to be put in place and satisfactorily managed prior to the commencement of development on site. For these reasons, the proposal is considered to have the potential to bring positive benefits to biodiversity in the area and would accord with Policies CP3 & CP4 in this regard.

Drainage and Flooding

- 10.23 Lead Local Flood Authority (LLFA) officers have considered the application and note that the site is in flood zone 1 and therefore has a low risk of surface water flooding. In terms of drainage design, a tanked permeable paving drainage design is proposed to capture water runoff. This would have a restricted connection into the existing onsite combined pumping station which drains to an adopted Yorkshire Water sewer. Such a solution is considered an appropriate design, subject to approval from Yorkshire Water and whom have not raised an objection to this application subject to condition. The proposed restricted flow rate of 14.55l/s is acceptable to the LLFA.

- 10.24 In accordance with Paragraph 165 of the NPPF, applicants must demonstrate that the proposed drainage system has proposed minimum operational standard. It is considered that the submitted documents demonstrate a reasonable approach and that it would be reasonable and necessary for conditions to be imposed to any consent granted to ensure that the necessary standards are met. Subject to this, matters relating to drainage and flooding are considered to have been satisfactorily addressed and in accordance with Policy CP3 in this regard.

Design & Appearance

- 10.25 Whilst the submitted layout is indicative, it does one way in which the site could be laid to accommodate the proposed development including the quantum of floor space and associated car parking. This is described and illustrated in section 5 of this report, and it is considered to be typical for the type of operations that are proposed. It is also noted that the tree belt that runs along the eastern boundary of the site, which is probably the most significant feature on the site (other than the Dalesway Lodge building) is to be retained. This feature has particular importance due to the screening it offers to the site when viewed from the A1M. It therefore recommended to include a condition requiring an arboricultural impact assessment and tree protection method statement to be submitted with the layout reserved matter application, to ensure these trees including root protection zones are protected.
- 10.26 Whilst policy CP13 requires the design of buildings and landscaping to be of a high quality, such matters of detail have been reserved for consideration after the determination of this outline application. Through the ongoing dialogue with the Planning Authority, the applicant has confirmed their commitment to ensure that the final detailed design of the site will assimilate well with the other approved buildings and spaces in the vicinity, so as to not have any material adverse impact on the intrinsic qualities of the surrounding countryside and landscape. For these reasons, the layout is found to be acceptable and in accordance with Policies CP7 and CP13.

Energy Efficiency

- 10.27 As the application has only been made in outline, other than the provision of a significant number of EV charging spaces, there is no other detail at this stage regarding energy efficiency or carbon savings. However, as a modern development with no obvious site constraints, there should be no reason why it ought not to be capable of exceeding the requirements of Part L of the Building Regulations as required by Policy CP2. As such, it would be reasonable to impose a condition requiring submission of an energy statement for approval at the reserved matters stage. On this basis, the proposal is considered to generally accord with Policy CP2 in this regard.

Heritage / Archaeology

- 10.28 A Heritage Assessment supports the application, which acknowledges that there are two Grade II Listed Buildings within 1000m of the application site. These are Violet Grange, an 18th century farmhouse, located 700m to the north-east of the Site and The Lodge, a late 18th / early 19th century gatehouse at the entrance to Sedbury Park to the north of the Site. As the site is not appreciable from either of these assets, there will be no direct impacts or indirect effects upon their significance.
- 10.29 In addition to the above, a further 6 undesignated assets have been identified, along with several pieces of previous fieldwork, including excavations and geophysical survey along the A1 and its subsidiary routes, and evaluation works in the field to the east of the Site. The evaluations recorded an extensive Iron Age and Roman landscape incorporating trackways, roads, settlement, and field systems, as well as specialist metalworking.
- 10.30 Consequently, the application site has been subject to a geophysical survey and trial trenching. Although the development area is within a sensitive archaeological landscape it is clear from the results of the archaeological fieldwork that the potential of this particular parcel of land is low. The application site appears to have been levelled at some point in the

recent past and with a high possibility of truncation from these activities and from former buildings. The County Archaeologist has concluded that the site now contains no significant archaeological remains.

- 10.31 To conclude heritage matters, for the reasons set out above, the proposal is not considered to be harmful to the setting of those Listed Buildings that are nearby or any archaeological remains. As a result, the proposal is considered to accord with both the Framework and RLPCS Policies CP3, CP4 and CP12 in this regard.

Changes to the Landscape and Visual Appearance

- 10.32 The application site is adjacent the Strategic Road network with the A1 to the east and Scotch Corner Junction 53 to the north. The site is partially developed with a two story motel and hard surfacing. The northern half the site is scrub land. The site slopes down from north to south, with land levels lower than Scotch Corner.
- 10.33 The development of two drive through restaurants plus petrol station with kiosk will change the visual appearance of the site. In relation to the southern parcel, it will in effect tidy up the site and visual and landscape impact will be negligible to slight positive.
- 10.34 The northern half of the site would change from scrub grass land to built development and this is considered to result in a low to moderate visual harm depending on the final design and massing. Height is a reserved matter (scale) and can be agreed at the reserved matters stage. It is recommended to condition enhanced planting along the site boundary to reduce visual impact.
- 10.35 Harm to landscape overall is considered to be negligible due to: land levels being lower than Scotch Junction; site partly developed; and the application site being surrounded by development in every direction including a trade park; and ability to enhance boundary planting. Subject to the discussed conditions, impacts to visual amenity of the area and landscape are considered to be acceptable and compliant with Policy CP2.

Litter

- 10.36 Development of the nature proposed gives rise to a risk of increased litter in the local. The layout and landscaping is indicative at this time and can be designed to reflect best practice in relation to reducing litter as far as practical such as having plenty of well designed and positioned bins. It is considered this matter can be sufficiently dealt with by condition.

Equality

- 10.37 Under Section 149 of The Equality Act 2010 LPA's 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. There is no reason why the proposed development would prejudice anyone with the protected characteristics as described within this paragraph. The development will incorporate appropriate number and positioned mobility and family spaces.

11.0 Planning Balance and Conclusion

- 11.1 The development comprises commercial development adjacent to the Scotch Corner Junction 53 which is under the NPPFs sequential test threshold of 2,500m² for retail led development. The types of uses proposed, namely a petrol filling station and two drive through food outlets is considered appropriate strategic roadside development and would complement the other committed major development if delivered to the west. The site is

already partially development and does not impact any agricultural farmed land. A benefit of the proposal is the high proportion

- 11.2 National Highways and NYC Highways have fully considered the highways impacts of the proposal and raise no objection. NYC Highways Team have concluded that whilst there is no requirement to deliver mitigation at the Scotch Corner Gyratory, there would be a need for off-site highways works on Barracks Bank. This would involve the creation of a slip road access arrangement into the site and associated pedestrian and cyclist facilities. As these fall outside of the application site, a Section 278 Agreement would be required, reference to which would be made within the conditions imposed. Other than the acceptance of the general principle of development, it is solely this matter of access into the site that would be agreed at this outline stage and subject to the above measures, this is considered as being acceptable.
- 11.3 The application site levels fall away from Scotch Corner Junction and there are some mature trees along the eastern boundary. For this and other reasons the visual and landscape impacts are considered to be low subject to conditions.
- 11.4 Other general matters, relating to ecology, drainage and design and appearance have also been satisfactorily addressed at this stage subject to application of standard conditions.
- 11.5 For all of these reasons, the development is considered acceptable and complies with the adopted development plan.

12.0 Recommendation

- 12.1 For the reasons set out in the preceding section, outline planning permission should be **GRANTED** subject to conditions listed below:

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, together with any conditions attached to this approval which may require any variation thereof:

- a) Application form and certificates
- b) Location Plan, 21254-300 (09.11.21)
- c) Indicative Site Layout, reference 21254-0301 rev P-00 in relation to access position only
- c) Transport Assessment by PEP (Dec 2021)
- d) Framework Travel Plan by PEP (Dec 2021)
- e) Preliminary Ecological Appraisal by Armstrong Ecology Ltd (Dec 2021)
- f) Flood Risk Assessment and Surface Water Management, BJB Consulting, Reference 2452-FRA01, Revision -, Dated December 2021.
- g) Existing Combined Drainage Plan & Surface Water Drainage Strategy, BJB Consulting, Reference 2452-BJB-SW-ZZ-DR-C-0002-P01, Revision P01, Dated 15/06/2023.

Reason: To confirm the basis and terms of the outline planning permission and 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: Reserved Matters

Approval of the details of the appearance, landscaping and layout and scale of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

The landscaping reserved matter shall include details of enhanced planting along the sites boundaries.

The layout reserved matter shall detail the exact number of parking spaces which benefit from EV charging together with family and disabled parking spaces.

Reason: To reserve the rights of the Local Planning Authority with regards to these matters.

Note: Height/scale of development is a Reserved Matter

Condition 3: Permission Timescales

Application(s) for approval of reserved matters of each phase, or part thereof, shall be made to the Local Planning Authority before the expiration of three years beginning with the date of this permission. Thereafter, the development must be begun no later than the expiration of two years from the final approval of the reserved matters.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended.

Condition 5: Main Protection

No building or other obstruction (including landscape features) shall be located over or within 3 (three) metres either side of the centre line of the public sewer i.e., a protected strip width of 6 (six) metres, which crosses the site. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority with the Layout Reserved Matter application(s) that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

Reason: In order to allow sufficient access for maintenance and repair work at all times for the Yorkshire Water main.

Condition 6: Site Levels

With the Reserved Matters application(s) for layout and building elevations Existing and Proposed Site Levels together with a Proposed Site Section shall be submitted to and approved in writing by the Local Planning Authority. The development shall there afterwards take place in complete accordance with the approved site levels.

Reason: To ensure that the levels are not built up to an extent that there is an unacceptable detrimental visual impact.

Condition 7: Trees

With the layout Reserved Matters application Tree Survey, Arboricultural Impact Assessment, Tree Method Statement and Tree Protection Plan shall be submitted to and approved in writing by the local planning authority. These plans and documents shall demonstrate the site layout will not require removal of the tree(s) outside but adjacent to the eastern boundary of the application site. Once agreed by the local planning authority, the development shall then be carried out in full accordance with these approved details.

Reason: In the interests of the appearance and biodiversity of the development and to reserve the rights of the Local Planning Authority with regard to this matter.

Condition 8: Surface and Foul Water

With the layout reserved matter application a Surface Water and Foul Drainage Strategy and Plans shall be submitted to and approved in writing with 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). Principles of sustainable urban drainage shall be employed wherever possible The Strategy and Plans shall be designed to/include:

A. Restrict the flowrate from the site to a minimum flowrate of maximum flowrate of 14.55 litres per second for up to the 1-in-100-year event

B. Incorporate 30% allowance for climate change effects and a further 10% for urban creep for the lifetime of the development.

C. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event.

D. Treatment system (oil, petrol and grit interceptor/separator) for all Surface water run-off from hardstanding (equal to or greater than 800 square metres) and communal car parking area(s) of more than 50 spaces and forecourt of petrol stations, areas used for the delivery of fuel, areas used for and immediately adjacent to vehicle washing facilities and/or other similar areas where detergent is likely to be used. Roof water shall not pass through the treatment scheme.

E. Exceedance Flow Plan

F. If discharge to public sewer is proposed, the information shall include, but not be exclusive to: evidence that other means of surface water drainage have been properly considered and why they have been discounted; and the means of discharging to the public sewer network at a rate to be agreed by the Local Planning Authority in consultation with the statutory sewerage undertaker.

G. A detailed maintenance and management regime for the drainage system including: 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.

No part of the development shall be brought into first use until the approved drainage strategy has been delivered in full and in a working condition. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

Reason: To mitigate additional flood impact from the development proposals and ensure that flood risk is not increased elsewhere

Condition 9: Access Details

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 interest of public safety and amenity

Condition 10: Construction Management Plan

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:

- i) details of any temporary construction access to the site including measures for removal following completion of construction works;
- ii) restriction on the use of access for construction purposes shall be assessed and approved by the Local Highway Authority;
- iii) wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- iv) the parking of contractors' site operatives and visitor's vehicles;
- v) areas for storage of plant and materials used in constructing the development clear of the highway;
- vi) measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
- vii) details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
- viii) protection of carriageway and footway users at all times during demolition and construction;
- ix) protection of contractors working adjacent to the highway;
- x) details of site working hours;
- xi) erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
- xii) 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;
- xiii) measures to control and monitor construction noise;
- xiv) an undertaking that there must be no burning of materials on site at any time during construction;
- xv) removal of materials from site including a scheme for recycling/disposing of waste
- xvi) resulting from demolition and construction works;
- xvii) details of the measures to be taken for the protection of trees;
- xviii) details of external lighting equipment;
- xix) details of ditches to be piped during the construction phases;
- xx) a detailed method statement and programme for the building works; and contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
- xxi) relevant ecological mitigation measures set out in the approved PEA and other ecological reports, e.g. precautionary working methods to avoid entrapment of mammals during construction (PEA paragraph 5.25) and measures to protect nesting birds (bat survey report paragraphs 4.9 to 4.11).

Reason: In the interest of public safety and amenity

Condition 11: Potable Water Supply

Development shall not commence on any phase of the development, excluding demolition and ground levelling works, until a scheme to ensure that an adequate potable water supply for the development phase, which will not cause detriment to existing properties within the area, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented in accordance with the timing and phasing

arrangements embodied within the scheme and the number of properties to be protected within that phase, or within any other period or number of properties as may subsequently be agreed in writing, by the Local Planning Authority.

Reason: In the interest of public health and to protect the strategic water supply.

Condition 12: Unexpected Contamination

If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the Local Planning Authority shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken, or the development occupied until an investigation and risk assessment carried out in accordance with the Environment Agency's Land Contamination: Risk Management (LCRM), has been submitted to and approved in writing by the local planning authority. Where remediation is necessary, a scheme for the remediation of any contamination shall be submitted and approved by the LPA before any further development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.

Reason: In the interest of public safety and amenity

Condition 13 Plant Survey

Prior to the commencement of development a plant survey shall be undertaken within the optimal survey period, the results of which shall be submitted to and approved in writing with the Local Planning Authority.

Reason: in order to establish the BNG mitigation land size and type required

Condition 14: Energy Strategy

The development hereby permitted shall deliver carbon savings by exceeding the minimum standards prevailing through Part L of the Building Regulations to the maximum level that is feasible and viable for this particular development.

Prior to the commencement of the development within a defined Phase, excluding demolition and ground levelling works, a scheme setting out how carbon savings are to be delivered with reference to the extent that this will exceed Building Regulation Requirements along with an explanation of why this is the maximum level that would be feasible and viable for this particular proposal, shall be submitted to and approved in writing by the Local Planning Authority. The development shall there afterwards take place in full accordance with the approved details and any associated technology for specific buildings or car parking areas, installed and made fully functional prior to that building/areas first use. The approved measures shall be retained and maintained in perpetuity unless replaced for a more sustainable system which is more energy efficient.

Reason: To secure a more sustainable form of development and to meet the expectations of Policy CP2 of the adopted Local Plan Core Strategy.

Condition 15: External Lighting

Details of any external lighting to be used on the site shall first be submitted to and approved in writing by the Local Planning Authority prior to its installation/erection. The information shall include a layout plan with beam orientation and schedule of equipment in the design (luminaire type, mounting height, aiming angles, and luminaire profiles) and shall detail any measures to be taken for the control of any glare or stray light arising from the operation of artificial lighting.

Thereafter the artificial lighting shall be installed, operated and maintained in accordance with the approved scheme. Changes to any element of the lighting scheme shall be

submitted to, and approved in writing by, the Local Planning Authority prior to the changes taking place.

Reason: To reserve the rights of the Local Planning Authority in this matter and in the interests of amenity, ecology and minimising light pollution.

Condition 16: Off-Site Highways Works

Prior to first occupation of the development hereby permitted the details listed below shall be submitted to and approved in writing by the Local Planning Authority for the off-site highways works detailed in drawing reference 3277.12 and the Transport Statement dated December 2021 comprising road markings, combined pedestrian and cyclist facilities on Barracks Bank to current design standards:

- Detailed engineering plans
- 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 carried out in accordance with DfT LTN 1/20 Cycle Infrastructure guidance
- A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes

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 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.

Condition 17: Litter Management Strategy

No development for any phase of the development shall be occupied until a Litter Management Strategy has been submitted to and approved in writing with the Local Planning Authority. The associated phase shall be operated in complete accordance with the approved Strategy for the lifetime of the development.

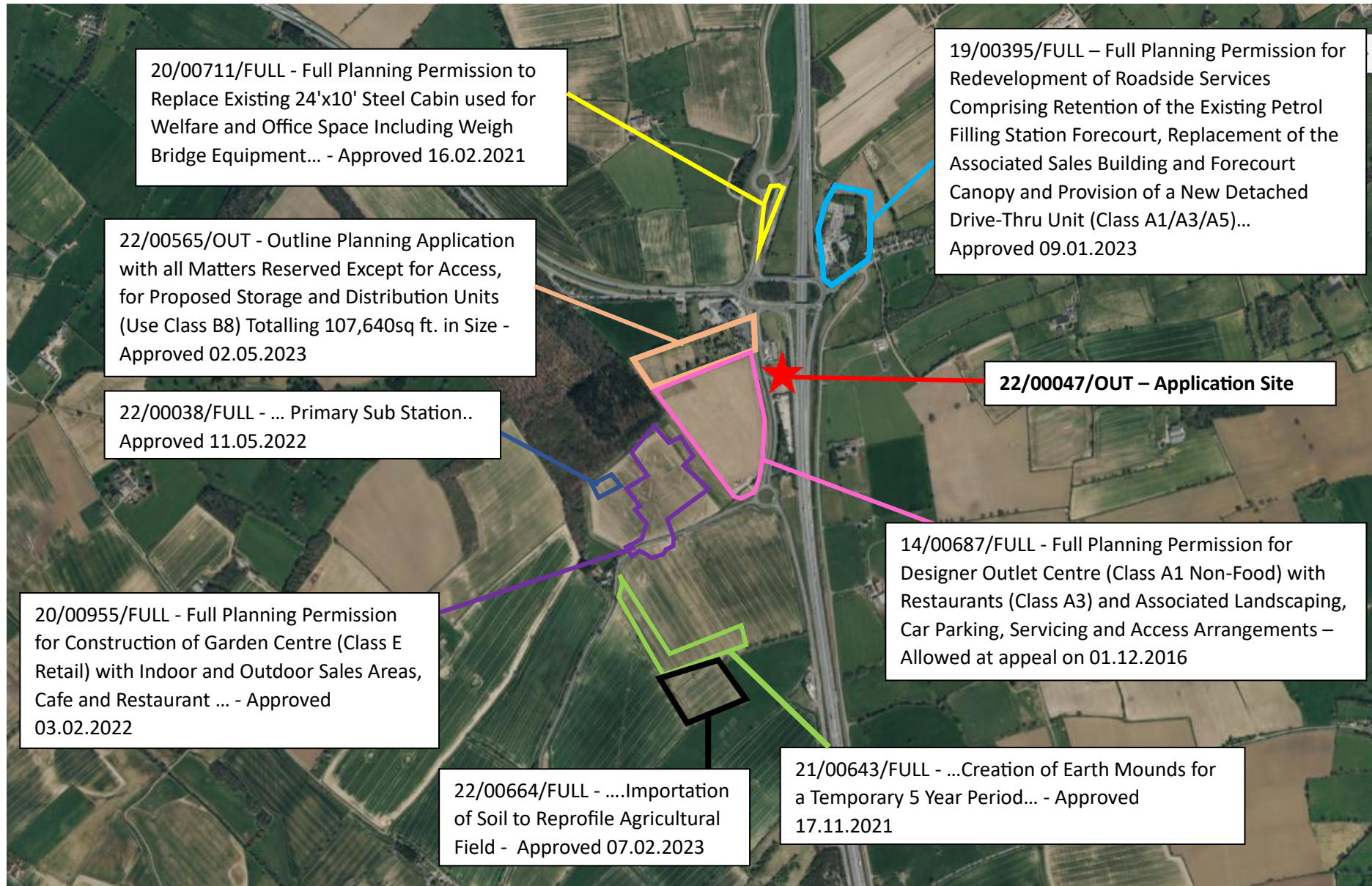
Reason: For the amenity of the area.

Target Determination Date: 16.11.2023

Case Officers: Fiona Hunter, fiona.hunter1@northyorks.gov.uk

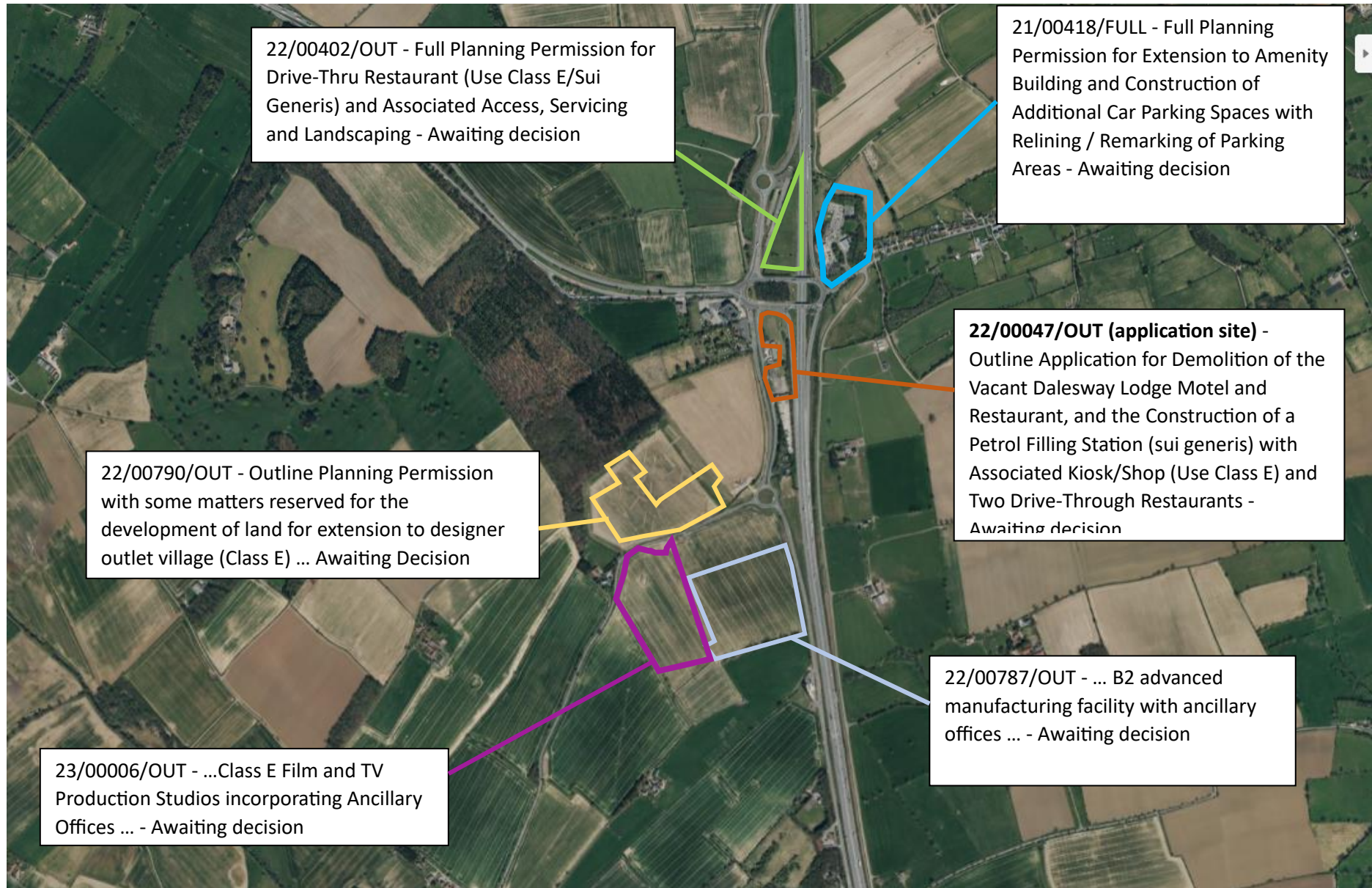
Appendix A - Scotch Corner Key Planning Permissions (Approved)

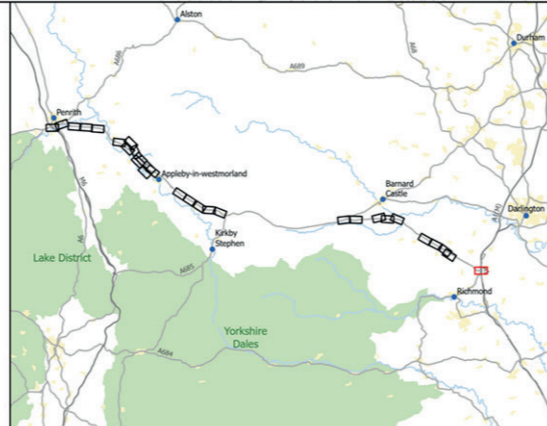
Note: site boundaries are approximate



Appendix A - Scotch Corner Key Planning Applications Awaiting Decision

Note: site boundaries are approximate

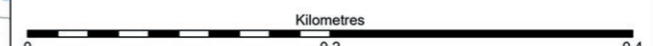




Project Name
A66 Northern Trans-Pennine Project

Map Title
Map Book Plans
A1(M) Junction 53 Scotch Corner
Sheet 1 of 1

C01	First Issue				
	CESL	LHAN	KWHA	PCAR	DBEA
Revision	Created	Checked	Reviewed	Approved	Authorised
	18/03/22	18/03/22	18/03/22	24/03/22	24/03/22



Scale @ A1: 1:2,500 | Project Ref No HE565627 | Stage: Stage 3
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Map Number	Project	Originator	Volume
HE565627	-	AMY	-
S00	-	MP - ZZ	-
Location		Type	Role
			Number
Suitability	Suitability Description		Revision
A3	APPROVED FOR STAGE COMPLETE		C01

Environment - Existing

- Listed Buildings
- Ancient Tree Inventory
- Public Right of Way
- Sustrans National Cycle Network
- Buildings
- Watercourse/body
- Fluvial flood zone 2
- Scheduled monument
- Ancient woodland
- Conservation area
- Registered park and garden
- Local Wildlife Sites (LWS)
- County Wildlife Sites (CWS)
- County Durham Plan - Area of high landscape value
- Special Protection Areas (SPA)
- Sites of Special Scientific Interest (SSSI)
- Special Areas of Conservation (SAC)
- Areas of Outstanding Natural Beauty (AONB)

Engineering and Construction

- Variable Message Sign (VMS)
- Route Alignment
- Bridleway
- Footpath
- Shared Pedestrian / Bridleway
- Shared Pedestrian / Cycle Path
- Order Limits
- Hardstanding
- Verges and Earthworks
- Drainage Pond
- Proposed Compound
- Proposed Compound that becomes Landform
- Proposed New Landform
- Proposed Topsoil / Laydown / Storage Area
- Proposed Replacement Brough Hill Fair Sites

Landscape Mitigation

- Woodland
- Woodland edge
- Native hedgerows with trees
- Scrub
- Species rich (or conservation) grassland
- Heath and moorland
- Open grassland
- Linear belts of shrubs and trees
- Scattered trees
- Amenity tree and shrub planting
- Individual trees
- Water bodies and associated plants
- Marsh and wet grassland

General Notes

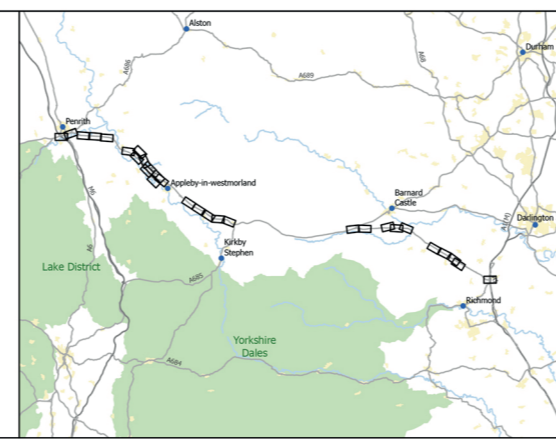
- We will continue to engage on environmental mitigation to ensure landowners are aware of our final proposals before we submit our Development Consent Order application in Spring 2022
- The provision and intended use of each compound is based on an assumed approach to construction and is subject to change as the approach to construction evolves during the detailed design phase. We will continue to engage with landowners as the proposals are developed.
- In some instances, the provision for walkers, cyclists and horse riders will be shared with access for local landowners, National Highways and Local Authorities as a means of access and for maintenance of the project
- All walking, cycling or horse riding routes which cross the new proposed A66 are intended to be via an overbridge or underpass, and will not be at grade crossings.
- The illustrations within this map book represent our current proposals which will continue to evolve through the detailed design process
- Areas of land included in the Order limits shown as open grassland are areas which we intend to return to former use where possible.

Engineering Design

- Boundary treatments are not currently shown but will be required at the extents of permanent land acquisition. They will be designed to be in keeping with the character of the local area and may include post and rail fence, stock fencing, dry stone walls and hedgerows.
- Dry stone walls and hedgerows will be reinstated where possible and new walls and hedgerows will be constructed where they will integrate the design into the surrounding landscape and field patterns and maintain connectivity.

Environmental Mitigation

- Where possible environmental mitigation will be multi-functional. For example by achieving landscape, visual and ecological mitigation at a single location.
- Landscape and visual mitigation will be designed to integrate with surrounding local landscape character and seek to reduce visual impacts.
- Ecological mitigation that is to be implemented will be designed so as to retain and protect any important existing habitats or landscape features (e.g. retaining mature trees).
- Protected species fencing (temporary and permanent) is not currently shown but will be included throughout the project where required.
- Bat mitigation may include the installation of replacement roosts such as bat boxes, new planting such as hedgerows or tree lines to connect habitats and suitable bat crossing features such as culverts and underpasses.
- Bird mitigation may include creation of rough grassland for barn owl, replacement of scrub, wetland habitats and woodland, installation of nest boxes, buffering of designated sites with habitats such as heathland complex and connecting habitats such as species rich hedgerows.
- Terrestrial invertebrate mitigation may include habitat creation and translocation of invertebrates, careful drainage design to include features such as mud reed beds, bee banks and invertebrate friendly planting.
- Fish and freshwater ecology mitigation may include channel restoration to reconnect meanders, suitable design of culverts to support passage of fish and other species, and other fish passage improvements.
- Otter and water vole mitigation may include temporary fencing around construction areas, artificial holt sites for otters, habitat enhancement and design of appropriate culverts to allow mammal passage.
- Red squirrel mitigation may include crossing features such as rope bridges, tree and hedgerow planting to ensure habitat connectivity, woodland enhancement and new woodland habitat.
- Reptile mitigation may include temporary fencing to protect habitats and avoid disturbance, new habitats to move any reptiles found in the construction site and creation of open mixtures of habitats suited to reptiles.
- Amphibian mitigation may include suitable pond designs and new ponds purely for amphibians, refuges (areas that amphibians spend time in out of the pond) and habitats to connect ponds with breeding areas.
- Badger mitigation is not shown on the maps as the information is sensitive due to the risk of harm to the animals. Mitigation will be included in the scheme within the Order limits and may include new habitat, artificial setts and badger crossing features such as tunnels and underpasses. Fencing may also be included to prevent road traffic accidents and harm to badgers due to them crossing the live traffic.



C01	First Issue				
	CESL	LHAN	KWHA	PCAR	DBEA
Revision	Created	Checked	Reviewed	Approved	Authorised

Project Ref No HE565627 Stage: Stage 3
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Project Name A66 Northern Trans-Pennine Project			
Map Title Map Book Legend			
Map Number Project	Originator	Volume	
HE565627	AMY	GEN	-
S00	-	MP - ZZ	- 500104
Location	Type	Role	Number
Suitability A3	Suitability Description APPROVED FOR STAGE COMPLETE	Revision C01	