

**North Yorkshire Council**

**Community Development Services**

**Richmond (Yorks) Area Constituency Committee  
14<sup>th</sup> March 2024**

**ZB23/00803/OUT - Application for Outline planning permission with some matters reserved (to consider access) for proposed construction of Class E foodstore and Class E Drive-Thru Coffee Shop together with access, car parking, servicing, landscaping and associated works (As Amended)**

**At: Land South West Of Cowling Garth, 91 Bedale Road, Aiskew**

**On behalf of: Mr Keith Nutter (Morbaine Limited)**

**Report of the Assistant Director Planning– Community Development services**

**1.0 PURPOSE OF THE REPORT**

- 1.1 To determine an application for outline planning permission (some matters reserved) for the construction of a foodstore (Class E) and drive-thru coffee shop on land to the south-west of Cowling Garth, 91 Bedale Road, Aiskew.
- 1.2 This application is brought to the Planning Committee due to the level of local objection.
- 1.3 It is recommended that planning permission be granted.

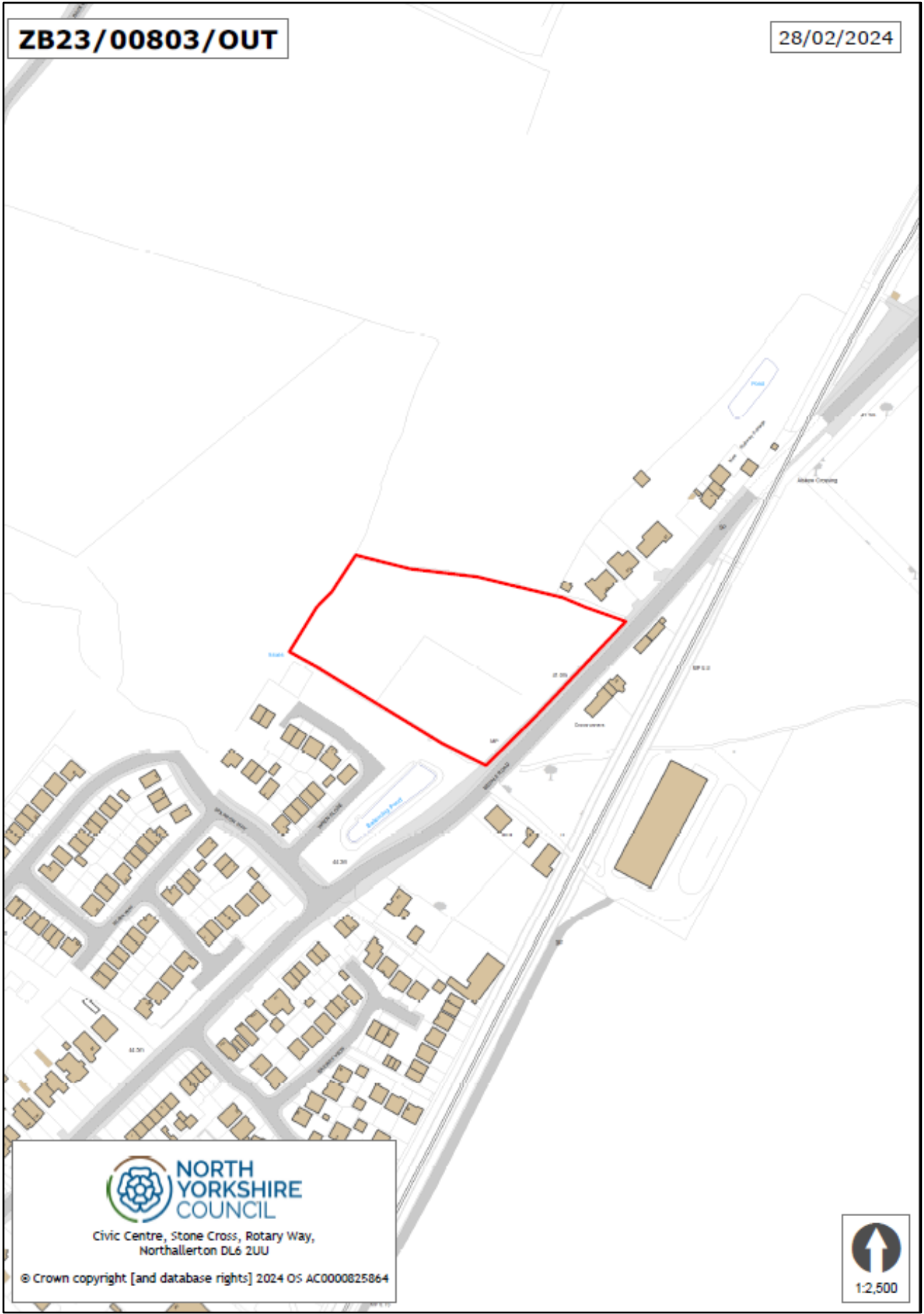
**2.0 SUMMARY**

**RECOMMENDATION:** That permission is **GRANTED** subject to the conditions listed below and the prior completion of a Section 106 agreement.

- 2.1 The application seeks outline planning permission (some matters reserved) for the construction of a foodstore and a stand-alone drive-thru coffee shop on an existing greenfield site adjacent to Bedale Road in Aiskew.
- 2.2 The applicant has been able to demonstrate that the provision of a foodstore on the edge of the settlement of Aiskew would provide local economic and social benefits to the community without resulting in significant or unacceptable impacts on the viability and vitality of town centres in the local and wider area, in particular the designated centre of Bedale. While the proposed drive-thru coffee shop lacks the social benefits of the proposed foodstore, it nevertheless provides some modest economic benefits to the local community, including job opportunities. Concerns regarding anti-social behaviour and amenity issues can be successfully mitigated and controlled through conditions, including limiting its opening hours to that of the proposed foodstore.

ZB23/00803/OUT

28/02/2024



NORTH  
YORKSHIRE  
COUNCIL

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### 3.0 PRELIMINARY MATTERS

3.1 Access to the case file on Public Access can be found here:-  
[Associated Documents](#)

3.2 The following applications related to the application site are detailed below:

23/00674/SCR – An EIA Screening Opinion for a proposed foodstore and drive-thru development was submitted by the application and a Screening Opinion was issued by the Council on 6<sup>th</sup> March, confirming that, in the opinion of the Council, and having regard to Schedule 3 of the EIA Regulations, it considered that while there would be effects on the environment as a result of the development, that the development would not be of a size, nature/characteristics nor in a location likely to have significant effects on the environment, subject to appropriate mitigation and other measurements that can be required by planning condition. Therefore, the Council do not consider that an Environmental Statement would be required.

74/0454/OUT – Outline application for the construction of two dwellinghouses, Refused, 19.12.1974.

3.3 Following the submission of several additional and amended proposed plans and application documents in August, 2023 (included within paragraph 3.4 below) , reconsultation was undertaken in October/November. Subsequent bespoke reconsultation (i.e. Environmental Health) has also taken place thereafter.

3.4 As well as the application form, covering letter and Site Location Plan (7624/64), the relevant application plans and documents are as follows:

- Addendum to Assessment of the Effects of the Proposed Development on Air Quality
- Geophysical Survey
- Written Scheme of Investigation for Geophysical Survey
- Preliminary Ecological Appraisal (Revision 2; July 2023)
- Supplementary Information Note (response to LHA's comments)
- Supplementary Information Note 2 (response to National Highway's comments)
- HGV Manoeuvres Plan - Sheet 1 (230205/03/S1/B)
- HGV Manoeuvres Plan - Sheet 2 (230205/03/S2/B)
- HGV Manoeuvres Plan - Sheet 3 (230205/03/S3/B)
- HGV Manoeuvres Plan - Sheet 4 (230205/03/S4/B)
- Highway Works Plan (230205/01/B)
- Access Arrangements Plan (230205/02/B)
- Proposed Site Location Plan (7624/65 Rev.A)
- Proposed Site Plan (7624/66 Rev.A)
- Proposed Site/Building Elevations Plan (7624/67 Rev.A)
- Transportation Assessment (dated April 2023)
- Preliminary Risk Assessment Report (dated August 2022)
- Planning and Retail Statement (dated April 2023)
- Noise Impact Assessment (dated March 2023)
- Arboricultural Report (May, 2023)
- Design and Access Statement
- Statement of Community Involvement
- Flood Risk Assessment and Drainage Strategy (Rev.3; August 2023)
- Response to Retail Comments

- Tetra Tech Response Letter (re: BNG)
- Savills Response Letter (re: Drive Thru)

#### **4.0 SITE AND SURROUNDINGS**

- 4.1 The (1.2ha) application site is located on the eastern side, and adjacent to, Bedale Road in Aiskew on the edge of the built form of the settlement. The site is located approximately 1 mile to the north-east of Bedale Town Centre, while the A1 motorway is located approximately 0.4km to the north-east. There is open countryside to the north and west/north-west of the site. The newly completed Taylor Wimpey residential development of Beaumont Gate is immediately to the west and south of the site. There is a buffer between the development and the site's south-western boundary where attenuation tanks and pumping station is proposed to be located as part of the residential scheme. The north-east of the site bounds a newly constructed detached residential property fronting onto Bedale Road. Beyond this, running northwards along Bedale Road are a series of large residential properties, all set back from the road with large driveways. These houses terminate at the crossing point of the railway line further up Bedale Road. Beyond the level crossing to the north-east is Leeming Bar Services. Across the road from the site are a handful of large residential properties, set back from the road edge. These properties are dispersed amongst open land to the south. Further down the road is a residential development, amongst which is a petrol filling station with convenience store.
- 4.2 The application site itself consists of open grassland. Access to the site is directly from Bedale Road with a gated access via a dropped kerb arrangement. The physical features within the site consists of a section of post and wire fencing (dividing the field) with boundary treatments consisting of trees and dense hedging to the south-west boundary, and a mix of hedgerow, trees and stock fencing to the west and north boundaries. There is also a drainage ditch along the north/north-east boundary of the site. Along the boundary with Bedale Road is a large hedgerow, in excess of 3 metres high, shielding the site from view from the road.
- 4.3 The application site is located within Flood Zone 1 on the EA Flood Maps and is located within the designated Aerodrome Safeguarding Area for RAF Leeming. A scheduled monument (Aiskew Roman Villa) is located approximately 585m to the north-west of the site., on the opposite side of Sandhill Lane/Back Lane. The application is not within the Green Infrastructure Corridor (Policy E4: Green Infrastructure), although the site is adjacent to it along its frontage (south-eastern) boundary with Bedale Road. The nearest listed buildings to the site are located within the built form of Aiskew (adjacent to Bedale Road), the nearest (the grade II listed Warwick House) being approximately 560m to the south-east of the site. The Ings Lane SSSI (1.9km), Langthorne New Covert SSSI (3.5km) and Langthorne SINC (4.1km) are located to the north-west of the site, while the Firby Beck Fields SINC is located to the south-west. (4.1km) of the site.

#### **5.0 DESCRIPTION OF PROPOSAL**

- 5.1 This application (as amended) is seeking outline planning permission (some matters reserved) for the construction of a foodstore and a drive thru coffee shop with access, car parking, servicing, landscaping and other associated works. Approval is being sought as part of this outline application for the access, with appearance, landscaping, layout and scale to be determined as part of any subsequent reserved matters application(s), if outline permission is granted. It is stated within the application documents that the foodstore would have a gross internal floorspace (GIA) of 1,858 square metres, while the drive thru coffee shop would have a GIA of 139 square metres. It is also stated within the application documents that a total of 30 full-time (equivalent) employees are proposed for the proposed development.

- 5.2 Although only indicative at outline stage, the external walls of the proposed buildings are shown/stated to be a combination of brick, timber cladding and metal cladding. A total of 165 car parking spaces would be created, including 8 accessibility spaces. Foul sewage would be disposed of via the mains sewer, while surface water would be disposed of via watercourse (subject to relevant consents and the discounting of infiltration through percolation testing)
- 5.3 Additional and amended plans have been submitted during the course of the application in response to representations submitted by the Local Highway Authority, Environmental Health, Lead Local Flood Authority and by the Case Officer. A reconsultation exercise took place in October/November, 2023. A list of the relevant application documents (both originally submitted and as submitted post-validation) are listed at paragraph 3.4 above.

## **6.0 PLANNING POLICY AND GUIDANCE**

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

Adopted Development Plan

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

- Hambleton Local Plan, February 2022, and
- North Yorkshire Joint Waste and Minerals Plan, February 2022.

Emerging Development Plan – Material Consideration

- 6.3. The Emerging Development Plan for this site is listed below. It is considered to carry no weight due to the current early stage of plan preparation.

Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:

- National Planning Policy Framework 2023 (NPPF)
- National Planning Practice Guidance (PPG)
- National Design Guide 2021 (NDG)

## **7.0 CONSULTATION RESPONSES**

- 7.1. The following consultation and reconsultation responses have been received and have been summarised below:
- 7.2 Aiskew and Leeming Bar Parish Council: Responding to the amended proposals (reconsultation), the Parish Council confirm that their original comments/objections remain (see below)

The Parish Council objected to the proposals as originally submitted for the reasons summarised below:

- The Parish Council have considered the objections of neighbours to the site and share their concerns regarding the drive thru part of the proposals. The Parish Council feels that the drive-thru is not needed, with the suggestion that if a coffee shop is required then this could be located within the foodstore and thus open and shut at the same time as the foodstore.

- The Parish Council supports the foodstore part of the proposals, particularly as it will bring employment opportunities for local people, and it will be a much-needed asset for the area.
- Suggest that the site should be locked at night to avoid youths gathering within the car park.
- Note that the Local Highway Authority have not raised any concerns and they suspect that flooding concerns (which they state they don't recall seeing in nearly 50 years) will be addressed through proposed mitigation.
- With regards to the loss of wildlife, an Environmental Impact Assessment would be helpful, although consider that the site would likely to be developed for residential housing if the current proposal does not go ahead.

7.3 Division Member: No representations submitted.

7.4 National Highways (NH): National Highways initially issued a holding objection due to a lack of information regarding specific matters relating to the impact on the Strategic Road Network (SRN) . However, responding to the amended proposals (reconsultation), including additional documents (i.e. 'Supplementary Information 2') NH were able to confirm that their previous concerns regarding AM and Weekend peak hour periods, as well as the potential for diverted trips to impact the SRN, have been addressed by the applicant, and in conclusion, confirming that that they do not anticipate that the proposed traffic generation of the proposed development will result in a detrimental impact on the operation of the SRN, namely the A1(M)/A684/A6055 junction.

NH stated that a Travel Plan (TP) should be submitted on behalf of the applicant and they would usually expect a TP to be generally created before or alongside the preparation of a Transport Assessment for any development that generates a significant number of trips and submitted a part of any application prior to determination. However, in this specific case, and in the absence of other issues, NH have confirmed that they are satisfied for a condition to be applied. Any such condition would require the preparation and submission of a TP prior to the development being brought into use.

7.5 Local Highway Authority (LHA): The LHA initially raised concerns regarding the capacity of the junction into the site to accommodate the estimated number of trips as stated within the submitted Transportation Assessment (TA) as well as questioning some of the traffic character and trip generation information within the TA. However, following the submission of additional information and clarification (within the 'Supplementary Notes'), the LHA have been able to submit a formal representation raising no objections, subject to conditions including: improvements to the visibility at the access and the provision of appropriate vehicular parking and turning/manoeuvring arrangements.

7.6 Environmental Health (EH): Having considered the potential impact on amenity and the likelihood of the development to cause a nuisance, the EH provided the following initial comments/observations based on the application as originally submitted:

- The submitted Noise Impact Assessment (NIA) is satisfactory overall, however as the NIA Assessment is based on specific hours of use for commercial activities it will be necessary to ensure those commercial activities do not take place outside those hours.
- Note that the impact for gardens of nearest dwellings to the south-west and south of the site is shown to be below the ambient noise levels during the potential peak hours of use and as such the report concludes that car parking would not result in any unacceptable impact to residential amenity.

- Note that the NIA concludes that the noise associated with the 'drive thru' would not result in any unacceptable impact on residential amenity.
- Note that the NIA concludes that there 'is a low noise impact during the most sensitive time periods outside the nearest dwellings'.
- Plant may be required by the commercial activities proposed on site, and as yet no details are provided. However, design limits are recommended in the report at section 5.26 and control measures given in section 5.27. It is therefore recommended that a condition requiring that these limits will be met is submitted and approved in writing by the local planning officer, prior to installation.
- The report has considered the calculated noise impacts and no significant issues have been found, however the report has still recommended acoustic fencing at two separate locations (for the delivery bay and to the northeast corner of the site near the coffee shop). It is therefore recommended that this is implemented by condition as described in section 5.28 with the position shown in Figure 2 and with details to be at least equivalent to those as stated in the conclusion 5.31.
- No lighting plan is included in the supporting documents though it is stated that 'external lighting designed to minimize overspill'. As artificial lighting can impact on the amenity of residential occupants, I would recommend that a condition prohibiting the provision of artificial lighting to the site, (including car parks), other than in accordance with a scheme, to be approved in writing by the local planning authority, be attached should you be minded to approve the application.
- In light of the proximity of existing residential properties adjacent to the site, it is recommended that the following condition is applied, should you be minded to approve the application: a Construction Management Plan shall be submitted to, and agreed in writing with, the Local Planning Authority before ground works commence. The scheme shall detail what steps shall be taken to mitigate emission of noise, lighting, dust and vibration from the site impacting on noise sensitive premises. This is to include details of: The siting of materials and machinery, staff welfare facilities, office location, staff/contractor parking; Construction site traffic movements including deliveries; Siting of any lighting provision, type and controls; How dust emissions will be reduced, monitored and managed; Details of any piling to take place including duration and equipment type to be used, as appropriate; How machinery, equipment and earth works will comply with the British Standards BS 5228-1:2009 Code of practice for noise and vibration control on construction and open sites, Part 1 : Noise; In circumstances where vibration is a potential source of impact it is anticipated that an appropriate vibration / screening survey or prediction report be proposed, and details submitted; Details of the community engagement arrangements will be in place throughout ground preparation and construction phases.
- It is EH's understanding that the drive-thru is limited to a coffee shop and will not be cooking hot food (just heating soup/sandwiches using a ventless electric convection oven). It is recommended that, if possible, this is restricted by condition.
- An Air Quality Management Area (AQMA) is currently in place in Bedale. The construction of the Bedale bypass meant that improvements in the air quality in that area were seen in the data collected by Hambleton District Council. However, this service has concerns that this development will have a detrimental impact on the traffic flows and subsequent air quality in the area.

- The transport assessment submitted has not considered the AQMA and as such our department considers that additional information needs to be submitted. The information should consider any impact on air quality, specifically in relation to the AQMA, as a consequence of the development. It is recommended that this information is provided prior to a decision being made.

Responding to the amended proposals (reconsultation), the EH have made the following comments: As the application plans/documents remain largely the same of those originally submitted, they have confirmed that their previously made comments regarding noise, lighting, odour and construction management remain valid. Having considered the subsequently submitted Air Quality Assessment (dated August 2023), EH note that the parameters of the assessment are taken from the Institute of Environmental Management and Assessment (IEMA) guidelines (written in 1993), however there is updated IEMA guidance (dated July 2023) The Air Quality Assessment would need to be reviewed in light of the updated guidance.

Having submitted an addendum to the AQA which has specifically considered the air quality impact of the proposed development in relation to the aforementioned latest IEMA guidance, the EH have responded to request further clarification/justification with regards to the assumptions made regarding the expected journeys as made within the addendum. Discussions between Officers and the agent to this matter remain ongoing, and a final representation from EH on the issue of air quality will be reported to the Committee prior or during the Committee Meeting.

- 7.7 Environmental Health (Contaminated Land): Having considered the application, including the submitted Preliminary Risk Assessment as submitted, EH note that the Assessment recommends an intrusive investigation in order to provide quantitative data for the ground contamination risk assessment and foundation design. A report detailing the findings and recommendations of a Phase 2 site investigation and Risk Assessment should be submitted. The EH have raised no objections to the proposed development, subject to the imposition of conditions, including: the provision of a Phase 2 assessment; where required, the provision of a remediation scheme to bring the site to a condition suitable for the intended use and details of when/how it is undertaken; and an unexpected contamination condition.
- 7.8 Lead Local Flood Authority (LLFA): The LLFA provided an initial response to the application as originally submitted requesting additional information, clarification and scheme amendments from the applicant with regards to specific flood risk and surface water drainage matters, including the results of infiltration testing; discharge rates, run-off destinations, volume control, and exceedance flow routes.

Having been reconsulted on the application allowing the applicant's submission of additional information (including a revised FRA and Drainage Strategy) submitted by the agent in order to seek to address the LLFA's comments, a further response and formal recommendation is awaited from the LLFA. Any subsequent response received following the publication of the Planning Committee Agenda will be reported to Members of the Committee before or on the day of the Planning Committee.

- 7.9 Ministry of Defence (MoD) Safeguarding: The MOD have confirmed that the application site occupies the statutory safeguarding zones surrounding RAF Leeming and a technical asset facilitating air traffic management known as the North WAM network. Specifically, the proposed application site falls within the height, birdstrike and technical safeguarding zones surrounding RAF Leeming and the technical safeguarding zone surrounding part of the North WAM network. The application site is approximately 1.65km from the site boundary of the aerodrome.



Having reviewed the proposals, the MOD have confirmed that they have no concerns in principle with regard to the height, scale and massing of the proposed development indicated on the submitted plans, although they state that the MOD should be consulted on any reserved matters applications, particularly as landscaping works have the potential to attract and support bird species hazardous to aviation safety.. At this stage, they wished to make the following observations/comments:

- The indicative plans provided show roof types that have the potential to provide an attractive sheltering area for nesting gulls which, given the proximity to RAF Leeming, may be hazardous to aviation safety. In order to address this potential hazard, the MOD recommend that the use of flat/gently sloped roofs is avoided. If this is not possible, MOD will likely require that a condition is applied to any consent issued requiring the submission, approval and implementation of a suitably detailed Bird Hazard Management Plan (BHMP) designed to prevent the use of the roof space by hazardous bird species at all stages of the development.
- The proposed coffee shop, café/drive thru has the potential to create a food source to those large and/or flocking bird species hazardous to aviation safety. The MOD will require that these impacts are addressed through the application of a condition to any consent that may be issued requiring the submission, approval, and implementation of a site management plan which should include procedures and a schedule for good housekeeping/litter management across the site; specifications and locations for the siting of lidded bins.

- 7.10 North Yorkshire Police (Designing Out Crime Officer): The DOCO provided the following comments and observations based on the application as originally submitted:

From a designing out crime perspective, the DOCO considers the design and layout for the food store is considered to be acceptable. With regards to the drive-thru, the DOCO has stated that this type of premises is sometimes referred to as a 'Honeypot', i.e. a place where people congregate and linger particularly in the evening. If these premises are not properly managed it can result in an increase in complaints of criminal or antisocial behaviour in the area. The DOCO therefore recommend that the applicant produce a comprehensive Management Policy, to demonstrate how they have considered crime and disorder and what measures they intend to put in place to reduce the likelihood of an increase in these levels. These types of premises can also result in an increase in litter in the surrounding area. Therefore, consideration should be given to requiring the owner to provide a litter bin outside, which should be checked and emptied on a regular basis and if not fixed in place, should be removed and securely stored at the end of business each day. There should also be a requirement for staff to carry out a "litter patrol" within a 50m radius of the premises at the end of business each day and to clear any litter that could be reasonably attributed to the premises.

- 7.11 NYC Economic Development Team: Generally supportive of the application.

- 7.12 NYC Principal Archaeologist (PA): The PA provided initial comments and observations based on the application as originally submitted, stating that recent archaeological work to the immediate south-west of this site produced evidence relating to an Iron Age or Roman date settlement and associated field system. The site also produced evidence of a post-Roman enclosure with continued in use into the Anglo-Scandinavian period, and it is likely that these deposits continue onto the application site. Other significant archaeological sites in the immediate environs include the remains of a Roman Villa just off the line of the Bedale by-pass to the north. The PA therefore recommended that a scheme of archaeological evaluation be undertaken to identify and describe the nature and significance of any surviving archaeological remains within the application site and to enable an

understanding of the potential impact of the proposed development upon their significance, advising that in the first instance that the evaluation should comprise of geophysical survey, followed by trial trenching, as appropriate.

Following the consideration of the Written Scheme of Investigation (for Geophysical Survey) and Geophysical Survey, the PA provided additional comments confirming that the results of the Geophysical Survey has revealed 'anomalies of interest' (including a 'curvilinear feature') that are similar to those noted on the previously mentioned site to the south-west. However, the PA has concluded that although these deposits are of interest., they would not be of such significance as to preclude development or to require any major design changes to the proposal. The PA therefore recommends that further archaeological work is required to mitigate the loss of any deposits (i.e. trial trenching, excavation and recording) via a planning condition.

- 7.13 No representations/responses have been received from Local Access Forum (LAF); Natural England (NE); NYC Public Footpaths Team; Ramblers Association (RA); Yorkshire Wildlife Trust (YWT); Campaign for Rural England (CPRE); and the Environment Agency (EA) or Yorkshire Water Services (YWS):

#### Local Representations

- 7.14 A total of 11 individual local representations have been received: 10 in objection (including three supplementary/additional objections from consultees who had previously submitted representations) and 1 in support. A summary of the representations received are provided below, however, please see Public Access to view the submitted representations in full:

#### In Objection:

- Significant additional traffic volume, particularly along Bedale road; assumptions in relation to traffic volume [within the transportation assessment] are flawed.
- The proposed access for the development is located close to a bend, thus reducing visibility.
- Adverse amenity impacts on the occupants of local residential properties due to the proximity/separation distances between the properties and the proposed development and potential removal of existing trees, particularly in terms of increased noise (including from HGV and other vehicle movements); visibility/invasion of privacy with little acoustic and privacy mitigation measure proposed; concerns about the baseline noise levels used within the noise impact assessment.
- Adverse social impacts on the locale, including increases in litter and potential anti-social behaviour within and around the site.
- Adverse impacts on wildlife, particularly if the existing tree line is removed.
- Associated adverse impacts on flood risk; lack of clarity in the application regarding surface water attenuation; concerns about localised flooding within the site; concern that the proposed outfall (drainage ditch to the eastern boundary) has not been fully investigated (including where it runs to and its condition) thus potentially increases the flood risk on Bedale Road and adjacent residential properties.
- There are preferable alternative locations/sites/buildings within the local/immediate area where the proposed development would have negligible impact on local residents and the community and would have more benefits, e.g. land south of Leeming Bar Service Station and land adjacent to Coneygarth Truck Stop.
- Lack of local need for an additional coffee outlet/drive-thru and with no local benefit (there are numerous coffee outlets in Bedale and at Leeming Bar Services; the argument that the foodstore and branded coffee shop would improve Bedale's tourist offering is absurd and the development will have an adverse impact on local,

independent and unique outlets that are attractive to locals and tourists; can the coffee outlet not be included within the proposed foodstore?

- Adverse impact on existing local businesses within Bedale Market Place and the surrounding area.
- Adverse impact on house prices in the local area.
- There will be light pollution from the car park lighting and vehicle headlights shining into neighbouring properties.
- Potential increase in vermin due to food waste and increases in litter.
- The proposed development will result in the loss of greenfield land.
- The proposed development would put further strain on an already inadequate infrastructure.
- The proposed development would significantly increase vehicle emissions to the detriment of the health of local residents.
- If approved, the proposed development should have a gate at the entrance that is locked when the supermarket is closed to avoid youths gathering in the car park and causing a nuisance.

In Support:

- The foodstore would be a great benefit to the community.
- It would keep money within the local area, rather than being spent in neighbouring towns.

## **8.0 ENVIRONMENT IMPACT ASSESSMENT (EIA)**

8.1 An EIA Screening Opinion (ref. 23/00674/SCR ) for a proposed foodstore and drive-thru development was submitted by the application and a Screening Opinion was issued by the Council on 6<sup>th</sup> March, confirming that, in the opinion of the Council, and having regard to Schedule 3 of the EIA Regulations, it considered that while there would be effects on the environment as a result of the development, that the development would not be of a size, nature/characteristics nor in a location likely to have significant effects on the environment, subject to appropriate mitigation and other measurements that can be required by planning condition. Therefore, the Council do not consider that an Environmental Statement would be required.

## **9.0 MAIN ISSUES**

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

- Location of Development and Spatial Considerations
- Impact on the Vitality and Viability of Town Centre(s)
- Social and Economic Considerations
- Design and Landscaping
- Impacts on the Landscape/Countryside and the Settlement's Setting/Character
- Amenity
- Crime and Anti-Social Behaviour
- Ecology and Biodiversity Net Gain (BNG)
- Highway Safety and Accessibility/Connectivity
- Air Quality
- Heritage Impacts (including Archaeology)
- Flood Risk and Surface Water Drainage

9.2 Other relevant considerations are:

- Contamination and Pollution

- Climate Change and Carbon Savings
- Aerodrome Safeguarding

## 10.0 ASSESSMENT

### Location of Development and Spatial Considerations

10.1 Policy S3 (Spatial Distribution) of the Local Plan states that proposals for new employment generating uses will be supported within the 'main built form' of 'defined settlements' (i.e. identified settlements within the settlement hierarchy of Policy S3). Policy S3 (Spatial Distribution) details the development strategy and focus for growth within the Plan Area including the establishment of a 'settlement hierarchy' which includes focusing growth at hierarchy-defined Market Towns (which includes Bedale with Aiskew) where development will benefit from, and support, a wide range of services and facilities and where there are good transport connections. Furthermore, Policy S3 states that the Council will seek to achieve the following (inter alia):

- support economic development within the built form of settlements within the settlement hierarchy, and
- support delivery of the council's economic priorities to support existing businesses; secure targeted inward investment; drive growth; ensure vibrant market towns and support business activity.

Policy S3 also says that economic development requirements will be met primarily at strategic Employment Sites at Leeming Bar, Sowerby Gateway and Dalton Airfield (in the Thirsk area), which are all in the central (A1/A19) transport corridor (criterion e) and further employment land provision to support the role of market towns through allocations at Easingwold, Northallerton and Stokesley (criterion f.) The application site is not within any such designated employment area within the Local Plan.

10.2 Policy S5 (Development in the Countryside) defines the 'existing built form' as, 'the closely grouped and visually well related buildings of the main part of the settlement and land closely associated with them', further clarifying that the built form excludes five specific scenarios (a-e). Criteria c. excludes from the definition of 'built form' paddocks and other undeveloped land on the edge of a settlement where the land relates more to the surrounding countryside than to the main part of the settlement. Sites located outside of the 'built form' of a defined settlement are categorised as being within the countryside for the purposes of the relevant policies of the Local Plan.

10.3 The characteristics of the site are predominantly rural in nature with the site consisting of grassland with a mixture of boundary trees, hedgerows and agricultural post-and-rail fencing. Therefore, although the application sits between properties to the north-east and to the south west (the new Taylor Wimpey development) and is opposite another individual residential property on the opposite side of Bedale Road, the site has much more of a visual and functional relationship to the rural, agricultural land to the north/north-east and west than to the adjoining residential development. For the purposes of Policies S3 and S5 of the Local Plan (and contrary to the conclusion reached at para. 3.58 of the Planning and Retail Statement) the application site is considered to be outside, but adjacent to the main built form of defined Market Town of 'Bedale with Aiskew' and thus within a countryside location.

10.4 Policy EG7 (Businesses in Rural Areas) states that employment generating development will only be supported in locations outside the main built form of a defined settlement (of the settlement hierarchy) where it involves:

- the expansion of an existing business where it is demonstrated that there is an operational need for the proposal that cannot physically or reasonably be accommodated within the curtilage of the existing site (criterion a.); or
- the re-use of an existing building of permanent, structurally sound construction that is capable of conversion without the need for substantial extension, alteration or reconstruction and can accommodate the functional needs of the proposed use including appropriate parking provision; (criterion b.) or
- a new building provided that it is well-related to an existing rural settlement and where it is demonstrated that the proposal cannot be located within the built form of a settlement or an identified employment location (criterion c.); or
- other proposals specifically requiring a countryside location (criterion d.).

10.5 Of the four criteria of EG7, only criterion c. is of potential relevance to the current proposals. The physical and visual relationship between the site/proposals is considered in more detail within the 'Design and Landscaping' section below, however, in summary and for the purposes of Policy EG7, it is considered that the proposed buildings would be well-related to the settlement, while the Planning and Retail Statement and further clarification on potential alternative sites provided by the agent has demonstrated that the proposal cannot be reasonably located within the built form of the settlement and/or within an identified employment location within the Local Plan.

10.6 Criteria c. also requires it to be demonstrated that the proposal cannot be located within the built form of a settlement or an identified employment location. The submitted Planning and Retail Statement (dated April 2023) looks to address this issue as part of the sequential test where alternative sites were considered. The sequential test is addressed below.

#### Impact on the Vitality and Viability of Town Centre(s)

10.7 Policy EG3 seeks to maintain and enhance the vitality and viability of the Plan Area's 'defined centres'. So-called 'defined centres' are defined and categorised within the 'hierarchy of centres' as set out within EG3, and include a 'main town centre' (Northallerton); 'town centre' (Thirsk) 'district centres' (Bedale, Easingwold and Stokesley) and a 'local centre' (Great Ayton). The role of 'district centres' is described as primarily serving the day-to-day needs of their respective rural catchments. Policy EG3 states that support will be given to retail and other main town centre uses within 'defined centres' that are appropriate to the size, role and function of the centre concerned; and which respects the centre's character (including its special architectural and historic interest)

10.8 However, Policy EG3 is also clear that a proposal involving 'main town centre uses' (the definition of which includes retail and cafes/coffee shops) on a site outside a defined centre will be required to demonstrate compliance with the sequential test to site selection as set out in national policy (i.e. the NPPF), namely to locate such development in town centres, then in edge of centre locations; and then out of centre sites (if suitable sites within the aforementioned sequentially-preferable locations are not available, or expected to become available within a reasonable period). As explained within the PPG, the purpose of the sequential test is to promote the Government's 'town centre first' policy and that planning decision-making results in support for the viability and vitality of town centres, clarifying that it is for the applicant to demonstrate compliance with the sequential test (and failure to undertake a sequential assessment could in itself constitute a reason for refusing permission). The NPPF states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. The PPG also states that a robust justification should be put forward in support

of any specific locational requirements, although a degree of realism and flexibility needs to be shown in applying the test, including when considering the scale and form of sites/premises. Both the NPPF and Policy EG3 are clear that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on town centre vitality and viability or on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal, it should be refused.

- 10.9 Policy EG3 confirms that an impact assessment will be required for all applications for retail and/or leisure development that are outside defined centres and have a floorspace of 400sq.m (gross) or more. The supporting text of the policy states that the impact assessments must provide clear evidence that the proposal will not lead to a significant adverse impact on existing or planned public and private investment in the centre or other centres in the catchment area of the proposal or on the vitality and viability of the centre, including local consumer choice and trade in the centre and wider area.

#### Sequential Test

- 10.10 The submitted Planning and Retail Statement includes a sequential test section which includes an alternative site location assessment. No alternative sites were found within the search area that would be of 'genuine potential' to accommodate the proposed development. In order to test this conclusion, Officers have suggested four potential alternative sites within Aiskew and Bedale and invited the agent to comment on why they do not consider them to be genuine and sequentially-preferable alternative sites to the proposed application site. It is worth noting that none of the sites mentioned are within a defined centre and are all 'out-of-centre' locations:

- Land East of the Hatchery, Aiskew
- Land North East of Station Yard, Bedale
- 'Bedale Gateway' Car Park Site, Bedale
- Land Off Queen's Drive, Bedale

- 10.11 In terms of the former Hatchery site, the distance from Bedale Town Centre is unlikely to make it sequentially-preferable to the application site in any material way. Officers are not aware that unaware of any interest from the land owner or developers for retail development. The agent has identified potential accessibility issues in relation to the land north-east of the Station Yard and the land off Queen's Drive site, making them unsuitable for the development proposed. The 'Bedale Gateway' site (based on its consideration at Local Plan Examination) is considered to have environmental and heritage constraints that would make it unsuitable for the development proposed. Officers would generally concur with the agent's appraisal of the four identified sites, and overall, the sequential test is considered to have been successfully passed.

#### Impact Assessment

- 10.12 The Planning and Retail Statement also includes an 'Impact Test' section where the impact on existing retail and local town centres have been assessed. This concludes that there would be no significant impact (i.e diversion of trade) on existing retail offer in the local area, or adverse impact on the viability and vitality of town centres, including Bedale. The conclusions have been considered by Officers and it is considered that the impact on existing retail and the vitality and viability of town centres would not be significant and is acceptable.

#### Social and Economic Considerations

- 10.13 Policy S1 seeks to ensure that development makes a positive contribution towards sustainability of communities, environmental enhancements and climate change adaptation/mitigations by (inter alia):

- Ensuring communities have a healthy, safe and attractive living and working environment with reasonable access for all to a good range of facilities and services;
- Promoting Hambleton as a recognised location for business by providing a range of employment opportunities that meet local aspirations, including high quality jobs, meeting the needs of new and expanding businesses and recognising the contribution of the rural economy;
- Ensuring that development takes available opportunities to improve local environmental conditions, such as air and water quality, seeks the reuse of suitable previously developed and underused land and buildings, and reclaimed materials.

10.14 The Planning and Retail Statement states that the proposed development would provide an appropriately located foodstore which would need the needs of local residents, improving consumer choice, reducing local resident's need to travel (particularly by car) to meet their 'day-to-day' needs. Given the quantum of existing and approved residential development within Aiskew (including the new Beaumont Gate development adjacent to the site), there is clear merit with this argument given the lack of similar-sized retail offer within the settlement (the nearest other such retail facilities being within Bedale and Leeming Bar) In addition, the proposals would create job opportunities (up to 60 jobs in total) that could potentially be offered to local people who would reside in a convenient commuting distance to the development. Overall, The applicant has been able to demonstrate that the provision of a foodstore on the edge of the settlement of Aiskew would provide local economic and social benefits to the community. While the proposed drive-thru coffee shop/café lacks the social benefits of the proposed foodstore, it nevertheless provides some modest economic benefits to the local community, including job opportunities.

#### Design and Landscaping

- 10.15 Policy E1 (Design) states that all development should be high quality...integrating successfully with its surroundings in terms of form and function...reinforcing local distinctiveness and...a strong sense of place. As such, development will be supported where the design is in accordance with the relevant requirements of Policy E1 (amongst other less relevant considerations):
- Responding positively to its context...drawing key characteristics from its surroundings...to help create distinctive, high quality and well-designed places (criterion a.);
  - Respects and contributes positively to local character, identity and distinctiveness in terms of form, scale, layout, height, density, visual appearance/relationships, views/vistas, materials and native planting/landscaping (criterion b.); and makes efficient use of the site (criterion h.),
- 10.16 Policy EG7 (Businesses in Rural Areas) states that where a new building is required (for employment generating development in locations outside of the main built form of defined settlements) where possible it should be located in close proximity to an existing group of buildings and the siting, form, scale, design and external materials of the new buildings should not detract from the existing buildings nor the character of the surrounding area.
- 10.17 Although appearance and landscaping are reserved matters, based on the design approach and principles as set out in the submitted Design and Access Statement, there is no reason to conclude that a high-quality development and landscaping scheme cannot be successfully achieved in this location utilising high quality design using native planting and building materials that draw on local distinctiveness, characteristics and vernacular in accordance with Policy E1. Subject to the subsequent approval of the scale and siting of the dwelling within the plot, it is considered that the proposed development is capable to making efficient use of the site in accordance with Policies S1 and E1.

Impacts on the Landscape/Countryside and the Settlement's Setting/Character

- 10.18 Policy E7 (Hambleton's Landscapes) states that the Council will protect and enhance the distinctive landscapes of the District by supporting proposals where (amongst other less relevant considerations) it:
- Considers the degree of openness and special characteristics of the landscape (criterion a.); and
  - Conserves, and where possible, enhances any natural and historic landscape features that contribute to the character of the local area (criterion b.); and
  - Protects the landscape setting of individual settlements, helping to maintain their distinct character and separate identity (criterion e.)

In respect to townscape, Policy E7 states that the Council will protect and enhance the distinctive character and townscapes of settlements by ensuring that development is appropriate to, and integrates with, the character and townscape of the surrounding area.

- 10.19 As described above, the greenfield application site is located on the north-eastern edge of the built form of Aiskew. While the site is located close to or adjacent to existing residential properties to the south, north-west and west, the size of the site and its rural characteristics means that it visually and functionally relates more to the wider countryside surrounding the settlement than to its existing built form, particularly as the existing mature boundary hedgerow adjacent to Bedale Road prevents views into the site from viewpoints along the highway. Nevertheless, the location of existing properties on the site's western and eastern boundaries as well as its close proximity to Bedale Road, would ensure that the adverse impact of the proposed development on the wider countryside would be limited as the proposals would be assimilated and viewed within the context of the urban surroundings, rather the rural setting of the settlement.
- 10.20 The application site is located approximately 240m to the east/south-east of Sandhill Lane/Backhill Lane, separated by intervening agricultural land. Views from vantage points along the lane towards the rear of the application site are possible, but a mixture of distance, topography and the screening effects of field boundary trees/hedgerows significantly limit views and thus, notwithstanding the potential scale and form of the proposed development and its buildings, would negate any significant impacts on the wider landscape, particularly from public viewpoints from the west, providing the existing boundary trees and hedgerows are retained, as stated within the application's plans/documents.
- 10.21 There is a public right of way (public footpath 10.4/4/1) running east-west which is accessed via Bedale Road at a point directly opposite the application site. The proposed development would be relatively prominent within views from the western-most part of this PROW, although as mentioned above, the visual impact would be negated by the surrounding and intervening urbanising features, including the residential development and Bedale Road. Views from other PROWs (located to the south-west of the site) are possible, although the distances involved and the screening effect of intervening residential development would ensure that the visual impact of the proposed development from viewpoints along these PROWS would not be negligible.
- 10.22 More localised alterations to, and negative impacts on, the landscape and townscape can be mitigated through the adoption of an appropriate design, layout and landscaping scheme (including retention of existing boundary hedgerows, where possible) which can be secured through conditions and through subsequent reserved matters approval(s)
- Amenity
- 10.23 Policy E2 (Amenity) of the Local Plan expects all proposals to maintain a high standard of amenity for all users/occupiers as well as for occupiers/users of neighbouring land and buildings, particularly those in residential use. This is echoed in criterion c. of Policy E1



which requires proposals to achieve a satisfactory relationship with adjacent development and not to have an unacceptable impact on the amenities or safety of future occupiers, for users and occupiers of neighbouring land and buildings or the wider area or creating other environmental or safety concerns. In order to achieve this 'high standard of amenity', Policy E2 states (amongst other less relevant matters) that proposals will be required to ensure:

- An adequate availability of daylight/sunlight without suffering from the significant effects of overshadowing and need for artificial light (criterion a.); and
- Physical relationships that are not oppressive or overbearing and will not result in overlooking causing loss of privacy (criterion b.); and
- No significant adverse impacts in terms of noise...(criterion c); and
- That adverse impacts from various sources (i.e. dust, obtrusive light and odour) are made acceptable (criterion d.); and
- The provision of adequate and convenient storage and collection of waste/recycling (criterion e.)..

- 10.24 To the north eastern corner of the site's boundary sits a newly constructed residential property. The site is also located to the east of the recently completed Taylor Wimpey residential development. A Noise Impact Assessment has been submitted with the application. This has not identified any significant noise issues associated with the proposed development. The NIA considered the calculated noise impacts and it was concluded that no significant noise issues (in respect to residential receptors) , however the report has still recommended acoustic fencing at two separate locations (i.e. for the delivery bay and to the northeast corner of the site near the coffee shop). It is therefore recommended that this is implemented by condition as recommended within the NIA.
- 10.25 Although the site layout plan as proposed is only indicative at outline stage, it is nevertheless considered that the proposed development could be successfully accommodated on the application site whilst achieving a high level of amenity with regards to local residents, particularly those who occupy residential properties that adjacent to the site. The proposed development would meet the relevant requirements and criteria of Policy E2 and E1 in this regard.
- Crime and Anti-Social Behaviour
- 10.26 Criterion d. of Policy E1 (Design) of the Local Plan states that a proposal will be supported where it incorporates reasonable measures to promote a safe and secure environment by designing out antisocial behaviour and crime, and the fear of crime, through the creation of environments that benefit from natural surveillance, defensible spaces and other security measures, having regard to the principles of Secured by Design.
- 10.27 Many of the representations submitted by local residents have raised concerns regarding the potential for anti-social behaviour associated with the drive-thru café/coffee shop element of the scheme and the resultant adverse impact this would have on their amenity and quality of life, particularly during unsociable hours. The agent has clarified that the proposed drive-thru restaurant would be a coffee shop/café (rather than a 'fast food' restaurant) that is intended to have a complementary relationship to the proposed foodstore (which would not have its own in-store café facilities). As such, the agent has confirmed that they would be willing to accept the imposition of a planning condition that would limit the opening hours of the drive-thru to that of the foodstore. This, in the view of Officers, would negate any of the potential issues relating to neighbour amenity and anti-social behaviour associated with the drive-thru element of the proposed development.
- 10.28 Overall, there is no reason to conclude at this outline stage that the proposed development is incapable of being designed and operated in accordance with Secured by Design Principles, in accordance with the requirements and expectations of criterion d. of Policy

E1 of the Local Plan. If outline planning permission is approved, it is recommended that a condition is imposed requiring details to be submitted as part of any subsequent reserved matters application (in relation to design, landscaping, layout and scale) that demonstrate that all reasonable measures have been taken within the detailed design of the proposed development to minimise the risk of crime and disorder, having regard to Designing Out Crime principles.

#### Ecology and Biodiversity Net Gain (BNG)

- 10.29 Policy E3 also states that a proposal that may harm a non-designated site or feature(s) of biodiversity interest will only be supported (amongst less-relevant criteria) where: 'significant harm' has been avoided, adequately mitigated or compensated for (criterion a.); and where a 'overriding public need' has been demonstrated that outweighs the need to safeguard biodiversity (criterion c.)
- 10.30 A Preliminary Ecological Appraisal Survey Report (Revision 2; July 2023) (PEA) has been submitted with the application in order to identify the existing habitats (on-site and within the surrounding area) and to identify the potential for protected, notable and invasive species. The PEA confirms that the site consists predominantly of semi-improved grassland (left unmanaged in recent years) and hedgerows, trees (mainly mature specimens) and two watercourses on the boundaries of the site. The PEA concluded that on-site habitats provided potential for roosting, foraging and commuting bat species across the site as well as the potential for nesting birds (within the trees and hedgerows) and for specific transient mammal species, such as hedgehog, on the site boundaries. Outside of the site, but directly to the west was an area identified as wet grassland/marshland that the PEA concludes has the potential to be a good habitat for wetland birds. An area of broad-leaved semi-natural woodland is located adjacent to the northern boundary of the site. No non-invasive species were identified on site.
- 10.31 The PEA includes several recommended mitigation/avoidance measures and further survey work that if implemented/undertaken, the PEA concludes that the proposed development would be compliant with relevant Local Plan and national ecological-related policy, including:
- Emergence/re-entry bat surveys to be conducted for the on-site trees.
  - Vegetation and earthworks to be undertaken outside of the bird nesting season.
  - Follow pollution prevention measures (to protect the watercourse).
  - The undertaking of specific, appropriate working methods.
  - Retention of hedgerows and trees on-site, where possible. Where not possible, alternative linear habitats should be planted.
- 10.32 In addition, the PEA recommends several ecological enhancement measures, including:
- Installation of bat and bird (nest) boxes.
  - The use of 'bat-sensitive' lighting.
  - The provision of 'butterfly banks', 'insect hotels', fragrant and/or native wildflower and grassland species planting in order to encourage invertebrate diversity.
- 10.33 If outline planning permission is granted, it is recommended that a condition is imposed requiring the ecological-related mitigation and enhancement measures (through the provision of a landscape plan) as well as further survey recommendations to be undertaken at the relevant stage of the development as stated within the PEA.
- 10.34 Policy E3 also states that direct or indirect adverse/negative impacts on SINCs, European sites (SACs and SPAs), and SSSIs should be avoided and will only be acceptable in specific circumstances in detailed in Policy E3. The aforementioned PEA concludes that if not properly controlled, the proposed development has the potential to impact on the

statutory-designated SSSI of Swale Lakes located approximately 9.4km to the north-west of the site and within Natural England's Impact Risk Zone. However, the implementation of the recommended mitigation measures (including pollution control measures) contained within the PEA would ensure that there would be no significant or unacceptable impact on the SSSI as a result of the proposed development.

- 10.35 In accordance with the Environment Act (2021) and the NPPF, Policy E3 (The Natural Environment) is clear that all development is expected to demonstrate the delivery of a net gain in biodiversity or Biodiversity Net Gain (BNG), with paragraph 6.46 of the supporting text stating that the latest DEFRA guidance and relevant metric tool should be used to demonstrate compliance with the policy.
- 10.36 As of 12 February 2024, major developments require a mandatory 10 per cent gain in biodiversity. However as the application was 'made' prior to this date, the application is not subject to the statutory mandatory BNG requirement, although the application would still need to demonstrate a (unquantified) net gain in biodiversity as required by Policy E3 of the Local Plan.
- 10.37 A letter produced on behalf of the applicant (Tetra Tech Limited) confirms that a Biodiversity Net Gain (BNG) Feasibility report was undertaken in relation to the application site in 2023. Tetra Tech confirm that although no 'post-development' BNG units were calculated as part of the feasibility report (as the landscape masterplan had not been finalised), 'baseline' calculations were produced:
- 1.23ha of 'neutral grassland' (in 'good' condition) providing 14.76 Habitat Units.
  - Various hedgerows (in 'poor' and 'good' condition) providing 9.78 Hedgerow Units.
- 10.38 The letter states that it is expected that it would be possible to achieve a 10 per cent net gain in hedgerow units on site, provided the recommendations (within the PEA and other application documents) are followed.
- 10.39 However, notwithstanding the provision of a detailed on-site landscaping scheme/landscape masterplan (to be submitted as part of any future reserved matters submission), the Tetra Tech letter confirms that the loss of neutral grassland as a result of the proposed development is unlikely to mean that the necessary BNG (in Habitat Units) will be able to be achieved on-site, therefore off-site/off-setting habitats would need to be secured. Failing that, then there is a commitment to securing BNG credits. The letter confirms that if outline planning permission is approved, the applicant will work with ecologists to produce a BNG Assessment (or BNG Plan), including details of a 30 year management plan, to be provided alongside/after the submission of the finalised layout and other relevant reserved matters.
- 10.40 If outline planning permission is approved, it is recommended that a condition is imposed requiring a BNG Plan (based on an up-to-date BNG metric calculation which includes 'post-development' landscaping and biodiversity enhancements, taking account of a detailed landscaping scheme) to be submitted confirming how the BNG hierarchy has been applied to the development and how the development will achieve a net gain in biodiversity. . Management and monitoring arrangements for the BNG will need to be secured through a Section 106 agreement.
- 10.41 Highway Safety and Accessibility/Connectivity Policy IC2 (Transport and Accessibility) states that the Council will seek to secure a safe and efficient transport system...accessible to all and that supports a sustainable pattern of development. As such, development will only be supported where it is demonstrated (amongst other less relevant considerations) that:

- The development is located where it can be satisfactorily accommodated on the highway network, including where it can be well integrated with footpaths, cycle networks and public transport (criterion a.);
- The need to travel is minimised and that walking, cycling and the use of public transport are maximised (criterion c.);
- Highway safety would not be compromised and that safe physical access to be provided to the proposed development from footpath and highway networks (criterion e.)
- Adequate provision for servicing and emergency access is to be incorporated (criterion f.), and,
- Appropriate provision for parking is incorporated...(criterion g.)

- 10.42 Policy E1 (Design) reinforces the need for the proposals to be designed to achieve good accessibility and permeability, stating that development will be supported where it (amongst other matters):
- Promotes accessibility and permeability for all (criterion e.);
  - Is accessible for all users by maximising opportunities for pedestrian, wheelchair and cycle links within the site and with the surrounding area and local facilities, providing satisfactory means for vehicular access and incorporating adequate provision for parking, servicing and manoeuvring in accordance with applicable adopted standards (criterion f.)
- 10.43 The application site is located adjacent to Bedale Road, the main route between Bedale and the A1M Junction 51 at Leeming Bar. Access to the application site is proposed off Bedale Road.
- 10.44 A Transport Assessment has been submitted with the application. This does not identify any significant or unacceptable impacts on local or strategic road networks. Within their initial response, the Local Highway Authority raised a number of queries. As a response to the LHA's queries/concerns (of 27.04.2023), a 'Supplementary Information Note' was produced to provide additional information and a response to the LHA's queries, namely regarding the reinstatement/use of the southbound bus stop; a financial contribution to be made towards the provision of a pedestrian crossing on Bedale Road in the vicinity of the site; a potential reduction in the existing speed limit on part of Bedale Road; the widening of the footway on the western side Bedale Road to 2m; the reduction of the proposed width of the site access; further information and clarification on expected traffic generation (including types of trips) A 'Supplementary Information Note 2' has been prepared on behalf of the applicant in response to National Highway's comments. It concludes that the proposed development will have, at most, an occasional negligible effect on the A1(M) and its junction 51 slip roads. This is based on a very robust assessment which utilised a traffic generation for both uses that would be far greater than the scheme would generate in reality. Having considered the TA as well as the aforementioned Supplementary notes, the LHA have been able to issue a positive recommendation, subject to the conditions referred to in the 'consultations' section above, while National Highways have lifted their initial holding objection and also issue a positive recommendation.
- 10.45 Based on the contents of the TA, the subsequently-submitted supplementary notes and the positive recommendations of both the LHA and National Highways, the proposed development is not considered to have an adverse impact on the local and strategic highway network, subject to conditions regarding the provision of an amended site access arrangement, appropriate visibility splays, the provision of a Travel Plan (with a monitoring fee recommended to be provided through a Section 106 agreement) and several off-site highways works including the reinstatement of a bus stop on Bedale Road and a

contribution towards the provision of a pedestrian crossing across Bedale Road. In terms of its location and accessibility, the site is well-placed to be accessed by local residents using non-car forms of transport, including bus services, cycling and pedestrian access (via footways) Overall, the proposed development is considered to comply with the relevant criteria of policies E1 and IC2 in relation to highway safety, amenity and accessibility, as well as paragraph 115 of the NPPF which states that development should only be prevented/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.

#### Air Quality

- 10.46 Policy RM4 (Air Quality) seeks to protect and improve the air quality within the Plan Area, with development categorised (taking into account several specified factors within the Policy) based on the extent to which there is potential for adverse air quality impacts. The categorisation factors, any air quality impact assessment (and any cumulative impacts) will determine whether mitigation measures are necessary and the form they need to take. Where mitigation measures are necessary the proposal will only be supported where they will be implemented and, as necessary, maintained. Where adequate mitigation measures are not possible, compensatory measures may be appropriate. If appropriate compensatory measures cannot be found the development will not be supported. The Council must decide on the weight to be given to the impact on air quality and whether the proposed mitigation measures are acceptable.
- 10.47 Although the application site is not located within an Air Quality Management Area (AQMA), Bedale (at the junction of Bridge Street and Market Place) contains designated AQMA as a result of poor air quality associated with motor vehicles. The Bedale AQMA is located approximately 1.5km from the application site. The Local Plan states that development should be identified that could have an impact on the AQMA.
- 10.48 An Air Quality Assessment Report (AQA) was submitted with the application, although following comments submitted by EH, an 'Addendum to Assessment of the Effects of the Proposed Development on Air Quality' has been submitted taking into consideration the latest 'Environmental Assessment of Traffic and Movement' (2023) guidelines and updating the AQA. It is concluded that the effects of the proposed development on Air Quality within the Bedale AQMA and in the vicinity of the site have been assessed on the basis of the Institute of Environmental Management and Assessment's Guidelines for the Environmental Assessment of Traffic and Movements. The conclusion is that the effects would not warrant any detailed consideration. In fact, the proposed development should reduce traffic passing through the AQMA. It is concluded that the development will have no adverse impact on air quality. The EH have questioned some of the assumptions within the AQA addendum, however there is no reason to conclude that, subject to clarification, that the overall conclusions of the AQA are invalid, although discussions remain ongoing, and a formal response from the EH on the issue of air quality will be provided to the Committee before or at the Committee Meeting.
- 10.49 **Heritage Impacts (including Archaeology)**  
Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990 places a duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features or special architectural or historic interest which it possesses, whilst section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 10.50 The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's

conservation (the more important the asset, the greater the weight should be). This is irrespective of the level of harm to its significance.

- 10.51 The requirement to preserve, and where possible, enhance heritage assets (which includes Conservation areas and listed buildings) is a requirement of the NPPF as well as Policy E5 (Development Affecting Heritage Assets) of the Local Plan, which specifically states that a proposal will only be supported where it ensures that, (amongst other considerations not relevant to the current proposals) 'those features that contribute to the special architectural or historic interest of a listed building or its setting are preserved.' (part i.) This builds on Policy S7 (the Historic Environment) which states that Hambleton's Heritage Assets will be conserved in a manner appropriate to their significance.
- 10.52 The application site is not within a conservation area, close to the curtilage of a Listed Building, a scheduled monument site or a registered park or garden, and the proposed development is not considered to materially affect the respective settings of any designated Heritage Assets. While there are listed buildings and a scheduled monument within 2km of the site, their distance from the site and the screening effect of intervening landscape and built form features ensure that there would be no material impact on their respective settings.
- 10.53 In respect to the proposed development's potential impact on archaeological remains (a non-designated heritage asset), it has been confirmed that recent archaeological work immediately to the south-west of the site has produced evidence relating to Iron Age or Roman settlement and associated fields system, up into the early medieval period. The written scheme of investigation states that it is likely that these deposits continue into the application site and Geophysical Survey Report has been submitted with the application. The Geophysical Survey has been based on the 'Written Scheme of Investigation for Geophysical Survey' also submitted with this application. The aims and objectives of the programme of geophysical survey (involving a magnetometer survey) was to gather sufficient information to establish the presence/absence, character and extent, of any archaeological remains within the specific area and to inform an assessment of the archaeological potential of the site. Based on the results of the magnetometer survey and their interpretation, the Report has concluded that there are a small number of magnetic anomalies within the site with archaeological and possible archaeological origins (i.e. ditch-like features and linear trends). The Report concludes that based on the geophysical survey, the archaeological potential of this Site is deemed to be moderate.
- 10.54 Based on previous archaeological findings on the adjacent site and the anomalies identified within the aforementioned Geophysical Survey, the Council's Principal Archaeologist has (in his consultation responses) considered the potential archaeological significance within the site, concluding that likely deposits and features on site are of interest., they would not be of such significance as to preclude development or to require any major design changes to the proposal. The PA therefore recommends that further archaeological work is required to mitigate the loss of any deposits (i.e. trial trenching, excavation and recording) via a planning condition. Subject to the imposition of this condition, it is concluded that the proposed development would not have a harmful impact on the significance of any archaeological remains/features within the site, and therefore the proposed development would be in accordance with requirements and expectations of Policy E5 of the Local Plan and the NPPF.
- Flood Risk and Surface Water Drainage
- 10.55 Policy RM2 (Flood Risk) states that the Council will manage and mitigate flood risk by (amongst other less relevant considerations): avoiding development in flood risk areas...(criterion a.); requiring flood risk to be considered for all development commensurate with the scale and impact of the proposed development and mitigated where appropriate (criterion c.), and reducing the speed and volume of surface water run-

off as part of new build developments (criterion d.) Policy RM3 (Surface Water and Drainage Management) of the Local Plan states that a proposal will only be supported where surface water and drainage have been addressed such that it complies with the following requirements (amongst others not considered relevant to the proposals): where appropriate, sustainable drainage systems (SuDS) are to be incorporated having regard to the latest version of the North Yorkshire County Council Sustainable Drainage Systems Design Guidance...with arrangements made for its management and maintenance for the lifetime of the development (criterion b.). The site is located within Flood Zone 1.

- 10.56 The LLFA have provided an initial response requesting clarification on several flood-risk and surface water drainage-related matters. An amended Flood Risk Assessment and Drainage Statement has been submitted on behalf of the applicant seeking to address the stated concerns/queries of the LLFA. A response is still awaited from the LLFA on the amended FRA , but will be reported to Members prior or at the Committee Meeting.

#### Other Considerations

- 10.57 Policy RM5 (Ground Contamination and Groundwater Pollution) requires independent investigation where there is the potential for the proposal to be affected by contamination or where contamination may present a risk to the surrounding environment. A Preliminary Risk Assessment Report (dated August 2022) has been submitted which has not identified any significant sources of land contamination. Having considered the Report, EH have raised no objection, subject to conditions.
- 10.58 The MOD have responded with regarding aerodrome safeguarding considerations. Overall, they have concluded that the proposed development would not result in any related safety issues, although as building form (roof), landscaping and litter management issues have the potential to attract bird species which can pose a danger to aircraft, the MOD have recommended that such issues are appropriately mitigated through the discharge of conditions and reserved matters stages.
- 10.59 One of the seven 'sustainable development principles' of Policy S1 (Sustainable Development Principles) is to support development...that takes available opportunities to mitigate and adapt to climate change, including minimising greenhouse gas emissions, and making prudent and efficient use of natural resources (criterion g.) This is taken further by criterion k. of Policy E1 (Design) which states that proposals that achieve climate change mitigation measures through location, orientation and design, and takes account of land form, massing and landscaping to minimise energy consumption will be supported. The proposals are for outline planning permission so the layout of the site and the design, materials, installations and orientation of buildings would need to be agreed at reserved matters stage to ensure that all practicable and viable opportunities are taken to incorporate carbon savings, energy efficiency measures and micro renewable energy generation and electric vehicle charging facilities, while making prudent and efficient use of natural resources. If outline permission is approved, it is recommended that a condition is imposed that specifically requires details of these matters to be submitted as part of any reserved matters. Overall, however, the proposals are considered to be capable of complying with the relevant criteria of policies S1 and E1 in respect of adapting to and mitigating the effects of climate change.

## 11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. The greenfield application site is located on the edge of the built form of Aiskew. Both the proposed foodstore and drive-thru coffee shop/café are 'main town centre uses'. As such, both Local Plan and national planning policy expect a 'Town Centre First' approach to site selection with regards to locating new development involving so-called 'main town centre' uses in order to maintain the vitality and viability of Town Centres. In this regard, a sequential approach to site selection needs to be undertaken as well as the undertaking of

a retail impact assessment where such development (outside of town centres with a floorspace of 400sq.m (gross) or more). A Planning and Retail Statement has been provided with the application which, along with additional clarification provided by the agent with regards to four potential alternative sites, demonstrates that no 'sequentially-preferable' sites are available within the local search area, while the impact assessment undertaken (which also forms part of the submitted Planning and Retail Statement) has concluded that the proposed development would not have an unacceptable impact on existing retail provision including that within local town centres, including Bedale. Following clarification on several matters within the Planning and Retail Statement, Officers are satisfied with the methodology and results of the sequential test and impact assessment, and it is concluded that the proposed development has passed the sequential test and that the impact on existing retail and the vitality and viability of town centres would not be significant or unacceptable.

- 11.2 Although the application is considered to be outside (but adjacent to) the built form of Aiskew, and thus in a countryside location, criterion c. of EG7 supports development outside of the built form of settlements are well related to the settlement and where it is not possible to site the development within the built form or designated employment locations within the Local Plan. It is considered that the proposed buildings would be well-related to the settlement, while the Planning and Retail Statement and further clarification on potential alternative sites provided by the agent has adequately demonstrated that the proposal cannot be reasonably located within the built form of the settlement and/or within an identified employment location within the Local Plan.
- 11.3 The applicant has been able to demonstrate that the provision of a foodstore on the edge of the settlement of Aiskew would provide local economic and social benefits to the community without resulting in significant or unacceptable impacts on the viability and vitality of town centres in the local and wider area, in particular the designated centre of Bedale. While the proposed drive-thru coffee shop/café lacks the social benefits of the proposed foodstore, it nevertheless provides some modest economic benefits to the local community, including job opportunities. Concerns regarding anti-social behaviour and amenity issues can be successfully mitigated and controlled through conditions, including limiting its opening hours to that of the proposed foodstore. Based on traffic modelling and trip generation data submitted with the application (particularly the clarification and additional information provided within the 'Supplementary Notes'), both LHA and national Highways have been able to subsequently confirm that they have no objections to the proposals as amended, subject to site access improvement works and appropriate visibility splays and the provision of a Travel Plan and the undertaking of several 'off-site' works (including the reinstatement of a bus stop on Bedale Road and a contribution towards the provision of a pedestrian crossing across Bedale Road. In terms of its location and accessibility, the site is well-placed to be accessed by local residents using non-car forms of transport, including bus services, cycling and pedestrian access (via footways), such that overall, the proposed development is considered to comply with the relevant criteria of policies E1 and IC2 in relation to highway safety, amenity and accessibility, and paragraph 115 of the NPPF.
- 11.4 Overall, and in the planning balance, the proposed development is considered to be acceptable, subject to conditions.

## **12.0 RECOMMENDATION:**

- 12.1 Subject to receiving a representation from the Lead Local Flood Authority (LLFA) confirming that they have no objections to the proposals (as amended) and confirmation that Environmental Health are satisfied with the assumptions and conclusions made within the relevant air-quality-related application documents , it is recommended that outline planning



permission is **GRANTED** subject to the conditions listed below (as well as any conditions subsequently recommended by the LLFA) and the provision of a Section 106 Agreement.

12.2 The aforementioned Section 106 agreement shall secure:

- i. a financial contribution of £35,000 for the Local Highway Authority to provide a pedestrian 'zebra' crossing over Bedale Road
- ii. a financial contribution of £5,000 to be used by the Local Highway Authority for the monitoring of the Travel Plan.
- iii. secure arrangements for the management and monitoring of BNG.

**RECOMMENDED CONDITIONS:**

1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Three years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

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

2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the siting, design, scale and external appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site.

Reason

In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), the restaurant and drive thru element of the proposed development (which falls under Use Class E) hereby permitted, can only be used for the sale and consumption of food and drink associated with a coffee shop facility.

Reason

In order to protect the amenities of local residents, in accordance with Policy E2 of the Local Plan.

4. The opening hours of both the foodstore and café/coffee shop drive thru unit shall be restricted to:  
Mon-Sat 07:00 to 22:00, Sun 09:00 to 17:00

Reason

In order to protect the amenities of local residents, in accordance with Policy E2 of the Local Plan.

5. There must be no access or egress by any vehicles between the highway and the application site at Bedale Road until splays are provided giving clear visibility of 43m metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of an obstruction and retained for their intended purpose at all times.

Reason

In the interests of highway safety

6. The following schemes of off-site highway mitigation measures must be completed as indicated below:
  - Constructing a new access for the development at Bedale Road prior to work commencing on site including installation of a bus stop.

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 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. 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.

7. 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 Bedale Road 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 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

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

8. Prior to the first occupation of the development, a Travel Plan must be submitted to and approved in writing by the Local Planning Authority. The Travel Plan will include: - agreed targets to promote sustainable travel and reduce vehicle trips and emissions within specified timescales and a programme for delivery;
- a programme for the delivery of any proposed physical works;
  - effective measures for the on-going monitoring and review of the travel plan;
  - a commitment to delivering the Travel Plan objectives for a period of at least five year from first occupation of the development, and;
  - effective mechanisms to achieve the objectives of the Travel Plan by both present and future occupiers of the development.

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.

9. 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.

10. 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 new access onto Bedale road for construction purposes;
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 to be erected and installed during the construction phase of the development;
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.
21. Details of any piling to take place including duration and equipment type to be used, and how machinery, equipment and earth works will comply with the British Standards BS 5228-1:2009 Code of practice for noise and vibration control on construction sites. Details shall also include how piling will be managed and how the local community will be consulted in advance.

Reason

In the interest of highway safety, public safety and amenity in accordance with policies E2 and IC2 of the Local Plan.

11. Prior to the first use of the development, the acoustic fencing as recommended within the Noise Impact Assessment shall be installed on site. The acoustic shall thereafter be retained in situ for the lifetime of the development.

Reason

In the interests of residential amenity.

12. The development shall be carried out in accordance with the further survey work as well as the recommendations, mitigation and enhancement measures, working practices and timings within the approved Preliminary Ecological Appraisal, including mitigation for hedgehogs, bats and birds. For the avoidance of any doubt, site clearance works including vegetation and building demolition shall be undertaken between September and late February to avoid the bird nesting season (March-August) unless otherwise approved in writing by the Local Planning Authority. Any nests identified during vegetation clearance shall be protected until the young have fledged.

Reason

In the interest of biodiversity.

13. Prior to or alongside the submission of any relevant reserved matters application, a detailed schedule shall be submitted to and agreed in writing by the Local Planning Authority stating how the development will comply with 'Secured by Design' principles.

Reason

To ensure that the development is in accordance with Secured By Design Principles.

14. Prior the first operation of the proposed development, anti-social behaviour and litter management plans, as well as details of the number, locations and design specifications of litter bins, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the respective management plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure that appropriate measures are in place to manage and mitigate potential anti-social behaviour and litter resulting from the approved development, in accordance with Policy E2 of the Local Plan.

15. No external lighting shall be installed other than in complete accordance with details of a lighting scheme for that unit (s) that have previously been approved in writing by the Local Planning Authority. The details of the lighting scheme shall demonstrate how it is designed and/or located to mitigate potential impacts on commuting and foraging bats both within and outside of the application site.

Reason

In order that the Local Planning Authority can consider the impact of the proposed lighting scheme, including on commuting and foraging bats, and avoid environmental pollution in accordance with Local Plan Policies S1, E2 and E3.

16. The reserved matters submission (s) shall include full site levels. Levels shall include existing and proposed site levels along with finished floor levels, eaves and roof ridge levels of all buildings. The development shall then be implemented in accordance with the approved levels.

Reason

To ensure that the development is completed with appropriate ground levels and finished floor levels to secure good levels of amenity for the occupants of adjacent residential properties and to mitigate any landscape impacts, in accordance with policies E2 and E7 of the Local Plan.

17. The details to be submitted in accordance with condition no. 2 above (i.e. design/appearance, landscaping, layout and scale) shall demonstrate how all practical and viable measures to provide carbon savings and make prudent and efficient use of natural resources will be implemented for each dwelling.

Reason

To secure a more sustainable form of development and to meet the expectations of Policy S1 of Local Plan.

18. A) No demolition/development shall commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. Community involvement and/or outreach proposals
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason:

In order to appropriately protect and record any archaeological deposits and features of significance in accordance with Policy E3 of the Local Plan and the NPPF.

19. No development shall be commenced until a Phase 2 assessment of the risks posed by contamination, carried out in line with the Environment Agency's Procedures for Land Contamination Risk Management (LCRM), has been submitted to and approved by the local planning authority. Where contamination is suspected, no development shall be commenced until a Phase 2 assessment of the risks posed by contamination, carried out in line with the Environment Agency's Procedures for Land Contamination Risk Management (LCRM), has been submitted to and approved by the local planning authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

20. Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and

ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

21. Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

22. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

23. Prior to its installation, details of any plant to be installed in relation to the development hereby approved shall be submitted to and agreed in writing by the Local Planning Authority. Details shall include, but no limited to, the design, locations and specifications (including noise levels generated) of any air conditioning units, vents, flues and other similar plant and installations. The plant shall thereafter be installed and operated in accordance with the approved details.

Reason

To ensure that the amenities of local residents are protected, in accordance with Policy E2 of the Local Plan.

24. The development shall not be commenced until a plan has been submitted to and approved in writing by the Local Planning Authority to show all existing trees and hedgerows which are to be felled, removed (including any partial removal of hedgerows) or retained together with the positions and height of protective fences, the areas for the storage of materials and the stationing of machines and huts, and the direction and width of temporary site roads and accesses.

Submission of these details is required before commencement in order to ensure adequate protection of trees at all stages of the development process, including site clearance.

Reason

To ensure that the trees and hedgerows that are of value are protected in accordance with Local Plan Policies S1, E1 and E7.

25. Prior to the commencement of development a biodiversity net gain plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of how a net gain of biodiversity will be achieved on site based on the latest published version DEFRA biodiversity metric and following the Biodiversity Gain Hierarchy. The development shall thereafter be carried out in accordance with the approved biodiversity net gain plan.

**Reason**

To ensure that a suitable landscaping scheme is achieved for the development and that a net gain in biodiversity is achieved in accordance with the Local Plan Policies S1 and E3.

**Target Determination Date:** 27.10.2023

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