

North Yorkshire Council

Community Development Services

Richmond (Yorks) Area Constituency Committee

11 July 2024

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

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

Report of the Assistant Director Planning – Community Development Services

1.0 PURPOSE OF THE REPORT

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

2.0 SUMMARY

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

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

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

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

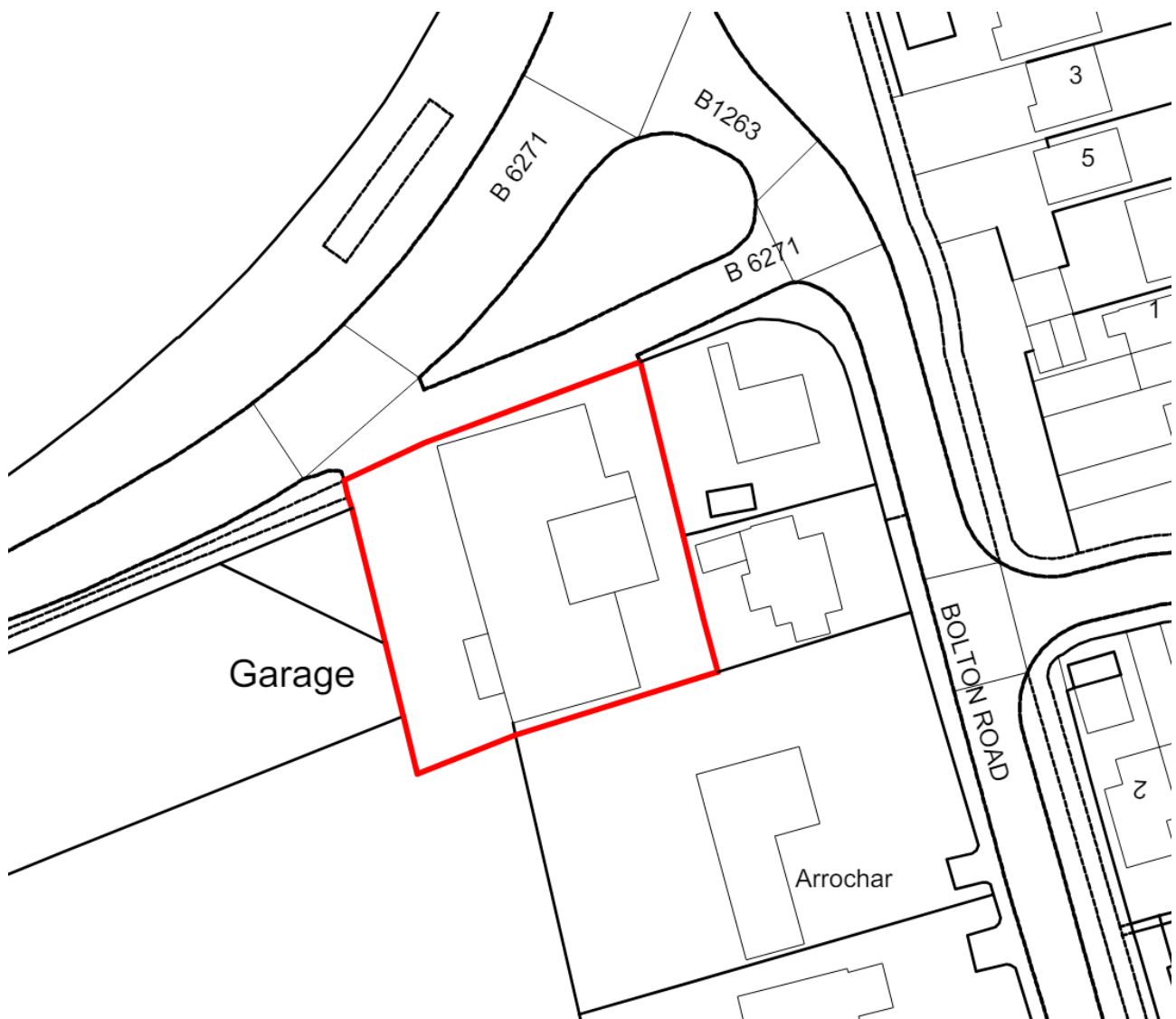


Figure 1: Location Plan

3.0 PRELIMINARY MATTERS

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

[Planning Documents](#)

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

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

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

4.0 SITE AND SURROUNDINGS

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

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

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

5.0 DESCRIPTION OF PROPOSAL

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

6.0 PLANNING POLICY AND GUIDANCE

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

Adopted Development Plan

6.2. The Adopted Development Plan for this site is:

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

Emerging Development Plan – Material Consideration

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

Guidance - Material Considerations

6.3. Relevant guidance for this application is:

- National Planning Policy Framework
- National Planning Practice Guidance

7.0 CONSULTATION RESPONSES

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

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

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

Please note a number of discrepancies within the planning application:

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

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

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

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

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

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

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

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

Local Representations

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

7.7. **Support:**

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

7.8. **Objections:**

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

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

8.0 ENVIRONMENT IMPACT ASSESSMENT (EIA)

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

9.0 MAIN ISSUES

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

- Principle of development
- Local Economy and Employment Opportunities
- Highway Safety
- Residential Amenity
- Foul and Surface Water Drainage
- Contamination
- Design
- Other Matters

10.0 ASSESSMENT

Principle of Development

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

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

Local Economy and Employment Opportunities

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

Highway Safety

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

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

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

Residential Amenity

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

Foul and Surface Water Drainage

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

Contamination

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

Design

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

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

The Equality Act 2010

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

Other Issues

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

11.0 PLANNING BALANCE AND CONCLUSION

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

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

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

12.0 RECOMMENDATION

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

Recommended conditions:

Condition 1 Approved Plans

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

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

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

Condition 2 Provision of Parking (compliance)

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

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

Condition 3 Loading and Unloading

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

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

Condition 4 Hours of Operation

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

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

Condition 5 Lighting

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

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

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

Reason: In the interests of visual & neighbour amenity

Condition 6 Use

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

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

Condition 7 Diesel Tanks

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

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

Target Determination Date: 10.04.2024

Case Officer: Caroline Walton, Caroline.Walton@northyorks.gov.uk