**North Yorkshire Council**

**Community Development Services**

**Richmond Area Committee**

**10th July 2026**

# 22/00402/OUT – Hybrid planning application comprising; full planning permission for drive-thru restaurant (Use Class E/Sui Generis) and associated access, servicing and landscaping; and outline planning permission for an electric vehicle charging facility with all matters reserved

**At: Land At Scotch Corner, Middleton Tyas, North Yorkshire**

**Applicant: McDonald's Restaurants Ltd**

**Report of the Head of Development Management – Community Development Services**

## 1.0 Purpose of the Report

1.1. To determine a planning application for a drive-thru restaurant (Use Class E/Sui Generis) and associated access, servicing and landscaping; and outline planning permission for an electric vehicle charging facility with all matters reserved on land at Land At Scotch Corner, Middleton Tyas.

1.2. The application has been brought to planning committee due to raising significant planning issues and public interest in the application.

## 2.0 SUMMARY

**RECOMMENDATION:**

**That full planning permission be GRANTED for a drive-thru restaurant (Use Class E/Sui Generis) and associated access, servicing and landscaping and that outline planning permission be GRANTED for an electric vehicle charging facility with all matters reserved subject to conditions listed below and prior to completion of a s106 agreement to secure highway improvement works, BNG requirements and £5,000 towards the cost of the Travel Plan monitoring.**

2.1. The application site is approximately 0.98ha in area and is rectangular in shape. The proposal seeks full planning permission for the erection of a drive-thru restaurant with associated access, servicing and landscaping. Access is proposed from the A6055 via an existing junction, which jointly serves the DVSA site to west. The A1(M) lies directly to the east. The Scotch Corner rest area lies further to the east.

2.2. The drive-thru restaurant includes indoor and outdoor seating, a children's play facility and W.C facilities. 55no. car parking spaces are proposed, including 2no. accessible bays and 3no. motorcycle bays. 4no. electric vehicle charging points are proposed within the car park

with 8no. bays futureproofed (for connection at a later date). Provision is made for cycle parking.

2.3. Additionally outline planning permission is sought for an electric vehicle charging facility with all matters reserved. 20no. electric vehicle charging point bays are proposed to the north of the drive-thru and are accessed from the proposed drive-thru car park.

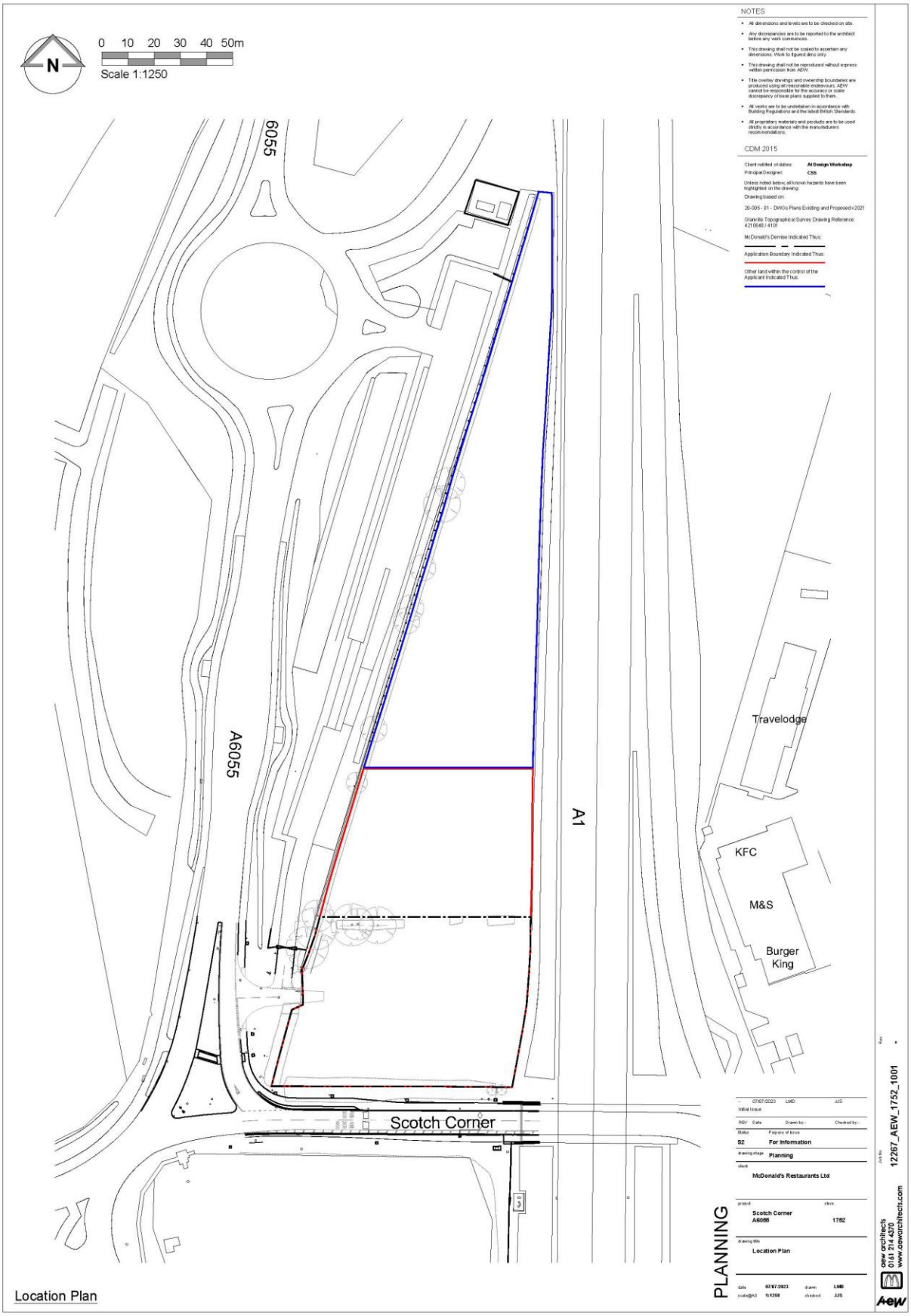
2.4. The proposed drive-thru is considered to meet the requirements of the NPPF and policy SP5 and CP7 of the Local Plan. Whilst located outside of development limits and outside of a town centre, the proposal is a small-scale drive-thru restaurant well-related to the strategic road network and nearby facilities. The scheme would provide clear economic benefits through job creation and would support the economy. The loss of less than 1ha of Grade 3 agricultural land in this instance is considered acceptable.

2.5. The proposed dedicated EV charging facility, situated adjacent to the strategic road network and A roads in the vicinity, is considered acceptable in principle and increases the availability of facilities to charge electric vehicles.

2.6. Technical matters for the application for full planning permission for the proposed drive-thru such as design, landscaping, highways, amenity, trees, drainage, ecology, archaeology and sustainable design have all been adequately addressed and where necessary further details secured by condition.

2.7. Approval is therefore recommended subject to conditions and a legal agreement to secure highway improvement works, BNG requirements and a contribution to monitor the Travel Plan.

**2.8. This application was deferred at Richmond Planning Committee on 11.06.2026 so that Members could conduct a site visit. The original report is provided below. Since publication of the original report, there have been a number of updates which are provided at 3.7 to 3.17.**




Location Plan

## 3.0 Preliminary Matters

3.1. Access to the case file on Public Access can be found here: - https://planning.richmondshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RDF4E6NA0ET00. The proposed site plan is attached at appendix A.

3.2. There is no relevant planning history for this parcel of land. However, immediately adjacent to the west of the site, planning permission was granted in December 2022 for the erection of a 2 Storey Office Building, Weighbridge Inspection Building with Inspection Pit and Other Associated Vehicle Testing Facilities for Heavy Goods Vehicles by the DVSA. Further permission was granted in February 2021 for replacement cabins and storage containers at the site. The DVSA site is operational.

3.3. This application was submitted and made valid in June 2022. Originally the proposal sought the following: 'Hybrid planning application seeks full planning permission for a drive-thru restaurant (use class E/sui generis) with associated access, servicing and landscaping, and outline permission for industrial/warehousing development (use class B2/B8) and an electric vehicle charging facility with all matters reserved.'

3.4. During the course of the application, the industrial/warehousing units were omitted from the scheme in order to facilitate a sustainable drainage strategy as required by the LLFA.

3.5. In the interests of clarity, the Agent provided an updated cover letter on the 15th December 2025 confirming the plans they wish to be considered, which included an updated description (the revised description and additional detail was subject to reconsultation in December 2025-January 2026).

3.6. The plans and detail to be considered are set out below (with the corresponding dates uploaded to public access);

- Addendum Planning and Economic Statement, prepared by Lichfields (uploaded 20th July 2023)

- Application drawings, prepared by AWE:

  - Location Plan ref. 12267_AEW_1752_1001; (uploaded 20th July 2023)
  - Existing Site Plan ref. 12267_AEW_1752_1003 Rev A; (uploaded 22nd September 2023)
  - Proposed Site Plan ref. 12267_AEW)1752_1004 Rev E; (uploaded 16th February 2026)
  - Proposed Elevations ref. 12267_AEW_1752_1005; (uploaded 20th July 2023)
  - Block Plan ref. 12267_AEW_1752_1002; (uploaded 20th July 2023)
  - Proposed Floor and Roof Plan ref. 12267_AEW_1752_1006; (uploaded 20th July 2023)
  - Proposed Landscape Plan ref. 12267_AEW_1752_1015; (uploaded 20th July 2023).

- Biodiversity Net Gain Assessment, prepared by Encon; (uploaded 20th July 2023)
- Landscaping Scheme Area 1, prepared by Encon ref. A5489 07 Rev D; (uploaded 20th July 2023)
- Landscaping Scheme Area 2, prepared by Encon ref. A5489 08 Rev A; (uploaded 20th July 2023).
- Drainage Statement and Drainage Maintenance Plan prepared by Glanville; (uploaded 20th July 2023)
- Flood Risk Assessment (uploaded 15th June 2022)
- Transport Assessment (003), prepared by AMA; and (uploaded 20th July 2023)
- Travel Plan, prepared by AMA (uploaded 20th July 2023)

- AMA/50038/SK017-01 P06 'Proposed central reserve along the A6055' (uploaded 16th October 2025)
- AMA/50038/SK017-02 P06 ' Proposed improvements to site access and SCI approach' (uploaded 16th October 2025 and supporting info 11th December 2025)
- Highways Technical Notes by AMA (uploaded 22nd November 2022, 22nd September 2023 and 14th November 2024).
- Road Safety Audit Response Report rev 5 (dated 09.09.2025) (uploaded 27th January 2026).
- Ecological appraisal (rev D), dated 16th January 2026 by Encon (uploaded 20th January 2026).
- Tree survey, revision B, dated 5th December 2025 (uploaded 11th December 2025)
- Archaeological Evaluation Report prepared by Oxford Archaeology (uploaded 22nd October 2022)
- Briefing Note – 13th May 2026 – Updated Sequential Site Assessment (uploaded 24th May 2026).
- Draft Heads of Terms (uploaded 21st April 2026)

**Deferral Update**

3.7. This application was deferred at Richmond Planning Committee on 11.06.2026 so that Members could conduct a site visit. The original report is provided below. Since publication of the original report, the following updates have occurred and are provided below.

***Additional letter of representation***

3.8. One additional letter of objection has been received on the following grounds;

- Traffic congestion at Scotch Corner which affects the entrance to the existing services and Middleton Tyas.

- Suggest Planning Committee visit the site, on a Friday in particular.

- Enough eateries at the services

- McDonalds will add to the traffic

- Litter concerns.

3.9. Officers note that these matters are addressed in the committee report specifically the highways section, at 10.39 onwards. Litter is addressed at 10.86 and 10.87 of the report. Concerns regarding the number of eateries is set out at 10.89.

***Recommendation***

3.10. The recommendation has been updated at 2.0 and 12.1 to incorporate the current resolution into one paragraph (rather than two paragraphs) and to ensure that the S106 is applied to both the full part and outline part.

***Councillor Queries***

3.11. At the committee meeting on 11 June 2026, Councillor Watson requested that the Local Planning Authority contact the DVSA to confirm how frequently their site at Scotch Corner is used. The DVSA submitted a letter of representation on the application in August 2023. They stated the following "during shifts there is a constant flow of HGV traffic to the site, approximately one HGV every 40 minutes. On average, vehicle checks on site take between 20-40 minutes. Where an issue is identified, vehicles could be on site for a few hours."

3.12. Officers have emailed the DVSA directly requesting updated frequencies however a response has not been received at the time of writing this update.

3.13. Councillor Watson also requested the current status of the drive-thru restaurants granted planning permission to the south of the motel. There are two separate applications in the vicinity of the site for drive-thru restaurants.

3.14. Planning reference 22/00047/OUT was granted on 15th November 2023 for an Outline Application for Demolition of the Vacant Dalesway Lodge Motel and Restaurant, and the Construction of a Petrol Filling Station (sui generis) with Associated Kiosk/Shop (Use Class E) and **Two Drive-Through Restaurants** (sui generis), Together with Construction of a New Vehicular Access, Car Parking, Electric Vehicle Charging Facilities and Other Works at Eastside Barracks Bank Scotch Corner. The reserved matters application is required to be submitted within three years from 15th November 2023. At the time of writing this update, no reserved matters applications have been submitted and the relevant planning conditions on the outline planning permission have not been discharged.

3.15. Planning reference 19/00395/FULL was granted on 9th January 2023 for the provision of a new detached Drive-Thru Unit (Class A1/A3/A5) with associated car parking and landscaping at Scotch Corner Rest Area. The development was required to commence on or before 8 January 2026. As of the date of this update, there is no indication that construction of the drive-thru building has begun, and the relevant planning conditions have not been discharged.

3.16. Each application is judged on its own merits. Whilst it is acknowledged further drive-thrus could come forward in the vicinity of the site, it is considered that at the time of writing this report the cumulation would not have an adverse impact on the surrounding area.

***Highways Briefing Note***

3.17. The Applicant's Transport Consultant (AMA) has provided a briefing note to clarify and answer key questions raised during the 11th June 2026 Planning Committee. This was uploaded to the public planning file on 19th June 2026.

3.18. The briefing note states the gyratory has been assessed in terms of highway capacity and road safety. The Transport Assessment has fully assessed the impact of the proposal including future year assessment inclusive of 10 year forecast traffic growth, committed development and the development's own traffic generation. The Assessment conclude the junction is not considered to run over capacity in any peak periods.

3.19. The access is required to be updated to widen the existing access road into a two-vehicle width and speed humps provided to reduce vehicle speeds. A new central reserve is proposed to prevent U-turns. The proposal realigns the pedestrian footway on the site side across the access to improve the existing crossing width and crossing distances. A new cycleway is proposed. A full road safety audit stage 1 has been undertaken and concluded that subject to actions the design is safe. A vehicle swept path analysis has been undertaken and delivery vehicles can be accommodated. Deliveries would be made three times a week outside of restaurant peak times.

3.20. In terms of queuing, the proposal can accommodate 16no. vehicles in the drive thru lane. Based on comparable sites, the average queue would be 6no. vehicles. In peak hours (Friday PM) there would be a maximum queue forecast of 15no. vehicles. the site could accommodate a queue in the Drive Thru lane to the boundary of the site of 26 vehicles and 30 vehicles to the A6055. The Drive Thru lane therefore provides capacity to accommodate the weekly peak of peaks and there is no risk of overspill to the highway network.

3.21. In terms of trip generation, the briefing note confirms that 86% of traffic would be existing on the network and 14% would be new trips. This is concluded as limited new trips. In terms of

surroundings, access from the services to the proposed site requires one road to be crossed which is signal controlled. The briefing note states that people currently walk to and from the Hotel for employment.

3.22. In terms of the neighbouring DVSA site, the briefing note states the site is not considered to be conflict with the operation of the proposed restaurant site and its traffic movements. The access road achieves low vehicle speeds and suitable visibility splays.

3.23. The briefing note signposts to the relevant highway documents already submitted as part of the application. Whilst not necessarily new information, the briefing note consolidates queries and matters into one document and confirms the development would not have a severe impact on highway capacity nor a detrimental impact on highways safety, subject to planning conditions.

## 4.0 Site and Surroundings

4.1. The parcel of land is approximately 0.98ha in area (red line boundary) and is rectangular in shape. The site lies immediately north of the main roundabout interchange at Scotch Corner. The current use of the site is vacant grassland and is relatively flat. According to the Agricultural Land Classification Survey, the site is graded as Grade 3. The site is accessed from the A6055 via an existing vehicular junction from the south west corner of the site. A bus stop is positioned on the A6055 approximately 0.1km from the application site. The site is located in Flood Zone 1, therefore at low risk of flooding. The site is outside of development limits. The site lies within an area of advertisement control. There are no Scheduled Monuments within the site area or within 1km.

4.2. Immediately to the west of the site is the DVSA site, which caters for vehicle enforcement and testing, including HGV's. The A1(M) lies directly to the east of the site. Further east lies the Scotch Corner rest area and the village of Middleton Tyas. The Conservation Area in Middleton Tyas is over 0.5km from the application site. A Holiday Inn lies to the southwest. The site is bounded by hedgerows and trees with a sparse tree line close to the northern boundary.

## 5.0 Description of Proposal

5.1. This application seeks full planning permission for the erection of a drive-thru restaurant with associated access, servicing and landscaping. Access is proposed from the A6055 via an existing junction. The drive-thru restaurant is approximately 351m2, single storey and will be constructed in a mixture of materials including dark grey brick, grey cladding and timber effect cladding. Black fenestration is proposed. A green roof is proposed. The proposal includes indoor and outdoor seating, alongside W.C facilities and a small play area within the external seating area. The Agent confirms the opening hours are 24 hours.

5.2. The drive-thru extends along the western and southern boundary. Car parking is proposed for 55no. vehicles, including 2no. accessible bays and 3no. motorcycle bays. 4no. electric vehicle charging points are proposed within the car park with 8no. bays futureproofed (to be available for connection at a later date). Provision is made for cycle parking.

5.3. Additionally outline planning permission is sought for an electric vehicle charging facility with all matters reserved. 20no. electric vehicle charging point bays are proposed to the north of the drive-thru and are accessed separately from the drive-thru car park.

5.4. In terms of landscaping, a 1100mm high close boarded timber fence will surround the western and southern boundary and part of the eastern boundary. A 600mm high timber knee rail fence extends along the northern boundary of the site.

5.5. With regards to trees, 3no. trees and a small part of a perimeter hedge will require removal. 4no. individual Hawthorn trees are required to be removed. All of these trees are categorised as C2 – low quality. None of the trees are protected by a Tree Preservation Order. The grassland to the north of the site is to be retained and enhanced. 14no. trees are to be planted on site, alongside additional tree screening planting. A grassland wildflower area is proposed on site which will be approximately 3,240m2. Shrubs and grass verging are also proposed. Tarmac and block paving forms the hard surfacing.

## 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 2024
- National Planning Practice Guidance
- National Design Guide 2021
- LTN1/20 – Cycle Infrastructure Design

Proposed changes to the NPPF

6.4. The Government began a consultation exercise on a new draft of the NPPF in December 2025. The consultation exercise has recently concluded. Relevant policies include policies DM1 (preparing development proposals), DM3 (determining development proposals), S5 (development outside of settlements), CC2 (planning for climate change), CC3 (adaptation to climate change), E2 (meeting the need for business land premises), TC3 and TC4 (which relates to main town centre uses outside of town centres), L2 (making effective use of land), DP3 (key principles for well-designed places), TR3 (locating development in sustainable locations), TR4 (street design, access and parking), TR5 (roadside facilities), TR6 (assessing transport impacts), HC5 (hot food takeaways and fast food outlets), P3 (living conditions and pollution), P4 (impact of development on existing activities), F4 (assessing flood risk for decision-making), F5 (the sequential test), F7 (ensuring development is safe from flooding), N2 (improving the natural environment), N3 (trees in new development).

6.5. Whilst draft proposed changes to national policy can be treated as a material consideration, officers are of the view that given that this is only subject to consultation, no more than

negligible weight should be given to the suggested changes in the draft NPPF in relation to this specific application.

## 7.0 Consultation Responses

7.1. The following consultation responses have been received and have been summarised below. The most recent comments from consultees are noted, apart from the Parish Councils where all representations are included. Please view the public access file to view older consultee comments.

7.2. **Moulton Parish Meeting (dated 17th August 2023 and 20th December 2025):** Objects on the following grounds;

- A strategic assessment of the many planning applications approved or yet to be approved, in Scotch Corner is required before permission is granted.
- Impact on the A66 and Scotch Corner upgrade is required.
- Already a choice of fast food outlets in the vicinity and additional development is unnecessary.
- National Highways has recommended planning permission not be granted until 28th January 2026 to allow time for a safety assessment (Officer note: this recommendation has now been lifted).
- Concerns regarding safety of the access. Location of the access to the drive-thru conflicts with DVSA site and is dangerous. The access is not suited to pedestrians and vehicle usage should be discouraged.
- Employment in Richmond is virtually 100% and this adds to the already approved DOV and Garden Centre employee movements which will have to be by private car as there are no public transport links.
- Effective drainage required following removal of warehousing element.
- EV charging facilities will add to congestion and concerns regarding the infrastructure to power the charging stations.
- Application runs contrary to Local Plan.
- Concerns regarding litter management.

7.3. **Middleton Tyas Parish Council (18th July 2022,14th August 2023 and 16th October 2023):** Objects on the following grounds;

- Increase in litter
- Object to agricultural land degraded to industrial use.
- Concerns regarding traffic congestion.
- Cumulative impact of food outlets and restaurants in the area.
- Wrong type of employment in this area.
- No strategic policy framework to guide planning decisions on individual applications in and around Scotch Corner.

- Application does not take into account DVSA site and HGV movements. The HGV inspection site exit cuts directly across the entrance.
- No provisions for pedestrians or cyclists to the site.
- There is no crossing point for pedestrians on the dualled A6055 from the bus stop and fails to take into consideration the increase in footfall from the Designer Outlet Village.
- Ask the application is decided by Planning Committee in conjunction with other nearby planning applications.

7.4. **Skeeby Parish Council (11th October 2023)**: All development at Scotch Corner should be dealt with via Planning Committee and this, as well as the other live or yet to be decided planning applications are held in abeyance until such time as a strategic review for Scotch Corner is put in place.

7.5. **Arboricultural Officer (NYC) (22nd December 2025):** No objections subject to tree replanting and the tree protection measures outlined in the submitted tree report.

7.6. **Archaeologist (NYC) (23rd December 2025):** Previous advice set out in the letter dated 26th October 2022 remains valid and no additional observations. (For reference the letter dated 26th October 2022 raised no objection and no further comments as the trial trenching failed to reveal any archaeological finds of features with the conclusion being that agricultural truncation on this side of the road had removed all traces of Roman occupation. No further archaeological works were required).

7.7. **Ecology Officer (NYC) (28th January 2026):** Updated Ecological Appraisal notes the site comprises species-poor grassland with hedgerow boundaries of limited ecological value. The report includes a series of recommendations, including timing of vegetation clearance works to avoid nesting birds, which can be conditioned. Other planning conditions required include the submission of a Habitat Monitoring and Management Plan and implementation of the BNG proposals for a period of no less than 30 years. Also recommend a condition for submission of a Construction Ecological Management Plan.

7.8. **Environmental Health (8th January 2026):** The changes do not have any environmental health implications. Previous advice of 30th June 2023 remain valid and no further observations. For reference the 30th June 2023 response stated the potential impact on amenity and the likelihood that the proposed development will cause a nuisance to neighbouring properties and that the impact will be low. Also recommend a contaminated land condition.

7.9. **Environmental Health Contaminated Land (NYC) (2nd January 2026):** No implications for contaminated land or air quality. No objections and no further comments to offer. Observations regarding the unexpected contaminated land condition issued in July 2023 remain applicable.

7.10. **North Yorkshire Council Highways Department (NYC) (12th February 2026):** Reconsultation comments; Agreement to UU for monitoring of Travel Plan, cycle access updated and acceptable, parking and delivery now clarified. All comments previously provided regarding this application (2nd Feb 2026), which aren't superseded by the above, are still valid. This included the following points; National Highways have confirmed the transport assessment requires no further modelling, interim travel plan will need to be developed further, there are existing bus services within the area, electric vehicle charging is proposed, connectivity with existing footways is provided, cycle facilities can be conditioned, National Highways need to be satisfied the actions in the stage 1 RSA have

been actioned, a stage 2 road safety audit will need to follow. Highways recommend conditions with regards to detailed drawings and a Travel Plan.

7.11. **Lead Local Flood Authority (NYC) (15th December 2025):** Reasonable approach to the management of surface water on the site and recommend conditions to secure that the development is carried out in accordance with submitted details

7.12. **National Highways (24th February 2026):** Originally raised concerns, however following amendments recommend that conditions should be attached to any planning permission that may be granted. The conditions cover highway improvement works, a construction traffic management plan and implementation of agreed Road Safety Audit actions.

7.13. Additional confirmation received from National Highways on 1st June 2026 regarding the updated RSA condition wording.

7.14. **North Yorkshire Fire and Rescue Service (30th December 2025):** No objection/observation.

7.15. **North Yorkshire Local Access Forum (19th December 2025);** Not all junctions of the Scotch Corner complex are traffic-light controlled. No traffic lights for pedestrians and cyclists to cross the two lanes of the roundabout.

7.16. **North Yorkshire Police Designing out Crime Officer (24th December 2025):** No comments to make regarding the changes to the proposal. Although originally did say; the overall design and layout of the scheme is acceptable. Bins should be in place and regular emptying and litter patrols. CCTV should be installed. Planting maintained so not to impede natural surveillance in the car park.

7.17. **Yorkshire Water (15th December 2025):** No objection to the updated proposal.

Local Representations

7.18. 14 objections received (which includes representation from Scotch Corner Richmond LLP (who are developing the Designer Outlet Village), Moto and the DVSA). Where an individual has commented more than once this has been classed as one objection, however a summary of the comments within their objections are set out below. Please see website for full comments.

7.19. Objections:

- Already sufficient food outlets at Scotch Corner.
- Rat infestations.
- Traffic congestion and volume.
- Litter.
- Existing infrastructure cannot cope.
- Strain on the powergrid and already experience power outages.
- Late night disruption and potential anti-social behaviour.
- Impact on the landscape.
- Pollution and air quality.
- No road safety audit.
- Fast food outlet and concerns regarding obesity.
- Concerns regarding staff management.
- Lead to High Street decline.
- Profits prioritised.
- Already 9 McDonalds within 15 mile radius so this is excessive.
- School bus stop is near to this proposal.
- Concerns regarding data used in Transport Assessment and traffic surveys.

- Traffic surveys use copyrighted data and permission should have been sought to use them.
- Need to take into account all planning applications in the Transport Assessment.
- Land ownership concerns – unclear if the land between the A6055 and the site is in third party ownership. If so the application does not connect to the public highway. The works required to access and pavements may not be achievable.
- No pelican crossings.
- The A66 is very unsafe for cyclists to use it.
- A66 upgrade will increase congestion in this area.
- Congestion and road safety issues with DVSA site.
- Concerns regarding the safety of the central reserves.
- Piecemeal approach to determining planning applications around Scotch Corner is unacceptable.
- Planning applications should be assessed holistically.
- Concerns regarding the number of car parking spaces.
- Safety concerns regarding access for pedestrians and cyclists.
- Concerns regarding the cumulation of traffic and noise associated with Designer Village and Garden Centre.
- DVSA object as established use and movements associated with the inspection site have not been appropriately considered or tested by the applicant. The impact of the proposed development on the existing DVSA use should be appropriately tested to ensure the increase in vehicle movements associated do not negatively impact the established use.
- Moto objects. The site is undeveloped and not allocated. As such, an application to develop departs from policy SP1 which states priority will be given to consolidation of the existing and committee employment development at Scotch Corner, with no further expansion into undeveloped land. The retention of the greenfield site is important as it creates a visual and environmental break in the concentration of development around the Scotch Corner junction. The inclusion of a drive-thru restaurant fails to the align with the definition of appropriate motorway related development as the applicant fails to substantiate this claim with any assessment against the relevant policy criteria for motorway services as provided by the 02/2013 Circular. This circular required roadside facilities that are eligible for permanent signing from the strategic road network. The application proposals are neither a motorway service area or motorway rest area and will not qualify for signage from the Strategic Road Network, therefore cannot be considered to meet any need that may exist for additional service provision on the A1(M). Moto have submitted an application to enhance the Scotch Corner. Reasonable to conclude that the proposal would not meet a demonstrable need of the travelling public which is not already being met by Moto's existing service area. The applicant's claim that the scheme attracts the benefit of serving users of the SRN is flawed. Concerns regarding the focus on McDonalds corporate initiatives when the occupier of the unit could change. Applicant has failed to apply their sequential test to Leyburn town centre. Concerns regarding the transport assessment and lack of information – including no right turning pocket for traffic, access could become congested, traffic surveys do not take into account seasonal consideration and only three sources are used to inform trip rates.

## 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) as the site is less than 1ha in area. 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 – drive-thru restaurant
- Principle of development – EV charging facility
- Design and landscaping
- Residential amenity
- Highway safety and access
- Trees
- Heritage and Archaeology
- Flooding and Drainage
- Ecology and Biodiversity Net Gain
- Sustainable design
- Other issues
- Public Sector Equality Duty
- S106 Legal Agreement

## 10.0 ASSESSMENT

Principle of Development – Drive-thru restaurant

*Outside of development limits on agricultural land*

10.1. The site is unallocated within the Richmondshire Local Plan and is located outside the defined settlement limits of the nearest settlement, Middleton Tyas. The Central Richmondshire Spatial Strategy says support will be given for development outside of the settlement hierarchy, which meets identified local needs in accordance with the Core Strategy (part 5). This is explored further in the principle section below.

10.2. The current use of the site is vacant grassland and is graded as Grade 3 agricultural land (good to moderate). Grade 3(a) is classed as best and most versatile land, however this application does not grade the land further than Grade 3 in general.

10.3. The NPPF at paragraph 187(b) states planning decisions should contribute to and enhance the natural and local environment by recognising the economic and other benefits of the best and most versatile agricultural land (Grade 1, 2 and 3a). Footnote 65 states where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The NPPF does not define significant development, however the loss of less than 1ha of Grade 3 agricultural land is minimal in this instance and given the site location (sandwiched between the motorway and DVSA site/A6055) it is not envisaged that a productive agricultural enterprise could take place on this small parcel of land. The loss of this agricultural grassland is therefore considered acceptable.

*Motorway related development*

10.4. Policy CP4 (part 2a) of the Local Plan requires the location of any development proposal to be in, or if deliverable opportunities do not exist within, adjacent to the Settlement's Development Limits as defined on the Local Plan 1999-2006 Proposals Map or main built up confines where they don't exist. In this case, the proposal is not within or adjacent to a settlement, therefore there is conflict with this policy however there is policy support for motorway-related development within the North Richmondshire Spatial Strategy and policy SP5 (which development would notably often be outside of a settlement due to locational requirements).

10.5. The North Richmondshire Spatial Strategy states at junctions on the upgraded A1 motorway, priority will be given to:

– consolidation of the existing and committed employment development at Scotch Corner, with no further expansion onto undeveloped land.

– the approved A1:Barton junction Service Area proposal.

– appropriate motorway related development will be considered subject to Spatial Principle SP5.

In Officer's view, satisfaction of any one of the bullet points is sufficient; it is not necessary for all three to be met. Whilst it is acknowledged the proposal will be on undeveloped land (with regards to bullet point 1), it is considered the development is motorway related (as a large proportion of the audience will be passing traffic), therefore is assessed against bullet point 3 and Policy SP5 of the Local Plan.

10.6. Policy SP5 of the Richmondshire Local Plan states appropriate economic development opportunities related to the A1 upgraded junctions at Scotch Corner will be considered subject to a detailed appraisal of their requirements to link directly with the strategic road network, the feasibility of this link and local conditions that exist in these locations. The proposal clearly links to the Strategic Road Network and highway considerations are set out further in the report. In order to develop and sustain the economy of Richmondshire, in accordance with policy SP5, part a of policy CP7 of the Local Plan states support will be given to the development of employment activities that diversify the current offer in Richmondshire.

10.7. An objector raises concerns that the proposals are neither a motorway service area (MSA) or a rest area (by definition) and as such does not align with the definition of appropriate motorway related development. However there is no definition of appropriate motorway related development in the Local Plan, but Officers have considered that motorway related development means development whose location is dependent, serves or has a clear operational relationship with a motorway. It is considered welfare and refreshment facilities where the intended users are predominately motorway traffic users would meet this definition.

10.8. Officers consider that bullet point three does not specify that motorway-related development has to take place within a MSA or rest area in order to meet the definition of appropriate motorway related development. In this case, the proposal links directly with the strategic road network by proximity (in particular to the A1 which is a motorway), an existing access is in place (although it is acknowledged this will require minor upgrades at the junction as set out at 10.43) and provides an additional opportunity for a refreshment facility with further highway considerations set out below in the report. The proposal meets Policy SP5 and part a of policy CP7 of the Local Plan by providing economic development opportunities at the A1(M) junction and is well-related to the existing strategic road network to meet the motorway-related development definition.

10.9. The provision of the drive-thru restaurant will provide short term employment during construction and approximately 120no. headcount jobs and 82no. full time jobs when operational. There are clear economic benefits arising from the proposal.

*Main town centre use (outside of a town centre)*

10.10. The proposed drive-thru restaurant is classed as a main town centre use in the NPPF (2024), as per the Annex 2 Glossary of the NPPF. The site lies in an 'out of centre' location. The nearest town is Richmond.

*Sequential test for out of town centre use*

10.11. Paragraph 91 of the NPPF (2024) states local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an

existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. The Applicant has carried out a proportionate sequential test with regards to paragraph 91 of the NPPF (2024) and this is assessed below.

10.12. In 2022, in support of their application, the applicant carried out a proportionate assessment of potential alternative sites in Richmond (approx. 4 miles south west) and Catterick Garrison Town Centres (approx. 7 miles south west) in the context of the sequential approach outlined in national planning policy. Officers considered this assessment was now out of date and as such an updated assessment (dated 13th May 2026) was provided, which included consideration of Leyburn as well.

10.13. Richmond is the nearest town centre to the site. The updated sequential test has reviewed 6 sites within and on the edge of Richmond. The sites were discounted for a range of reasons, including their size, lack of availability, ongoing conversion to residential use and their inability to accommodate a drive-thru facility with sufficient parking. Based on the evidence submitted Officers conclude there are no suitable or available sites in Richmond to cater for the development proposed (drive-thru restaurant).

10.14. In terms of Catterick Garrison, the updated sequential test notes 3 sites were assessed and discounted by the Applicant for reasons including their size, current redevelopment for other uses and inability to accommodate a drive-thru facility with parking. Reasoning that the Applicant is already based in this town is given no weight in determination of the sequential test as this is not a reason to discount an area. Based on the evidence submitted Officers conclude that there are no suitable or available sites in Catterick Garrison identified by the Applicant in the sequential test to cater for the development proposed (drive-thru restaurant).

10.15. An objector raises concerns that Leyburn has not been assessed as part of the sequential test, however it is considered that Leyburn is a considerable distance from the application site (approximately 13miles south west) and closer town centres have been assessed suitable for the scale of development proposed. In May 2026 however, the Applicant visited Leyburn and did not identify any potential alternative sites which could accommodate a drive-thru restaurant. The updated sequential test states the vacancy rate in the centre is very low with very few vacant premises and none are suitable scale. The only undeveloped land within and on the edge is used for car parking which the sequential test states is well-utilised and underpins the vitality and viability of the centre.

10.16. Paragraph 011 of the PPG states the application of the test will need to be proportionate and appropriate for the development proposed. Officers consider that the search area is considered acceptable for the development proposed and is proportionate and appropriate in line with paragraph 011 of the PPG.

10.17. In light of the nature of the use proposed, it is accepted that the drive-thru facility would primarily serve customers of the strategic road network, rather than becoming a stand alone destination for customers from the town centres, which features an existing choice of cafes and restaurants. There are clear market and locational requirements for the siting of the drive-thru in this location and alternative sites in the Towns of Richmond, Catterick Garrison and Leyburn were deemed to be unsuitable or unavailable. Officers conclude no suitable sequentially preferable locations have been identified, therefore consider the sequential test is passed.

*Impact assessement*

10.18. Paragraph 94 of the NPPF (2024) states when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a

proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m2 of gross floorspace).The drive-thru restaurant would be 351m2 (gross internal area). The proposal does not meet the default threshold set out in the NPPF (2500m2) to require an impact assessment and is not considered to fall under 'retail and leisure development' definition. Therefore, paragraph 94 of the NPPF (2024) is not considered relevant.

10.19. Policy CP9 of the Local Plan seeks to support town and local centres. This policy is split into 4 parts. Part 1 and 2 of this policy relates directly to principal town centres and is therefore not relevant. Part 3 of the policy states support will be given for retail and town centre developments of more than 500m2 outside of town centres where its meets three criteria. In this case the proposal is not for more than 500m2, therefore part 3 is not relevant. Part 4 of the policy states support will be given for proposals for small scale retail development outside town centres where it meets two criteria. In this instance the proposal for a drive-through restaurant is not considered to be a 'retail development' and is therefore not relevant. For the purposes of the National Planning Policy Framework, Annex 2 of the NPPF refers to retail development separately from a drive-thru restaurants (which is also included as being under the main town centre uses definition). Regardless of the above, the Applicant has submitted a high-level impact assessment within their sequential test which is discussed below.

10.20. In terms of the impact on Richmond Town Centre, the updated assessment notes the Experian GOAD survey from December 2025 noted 13 vacant units in Richmond, which equates to 8.6% of all units. The Applicant identified just 5 vacant units in May 2026 during their visit (3.3.%). It is considered based on this information Richmond is performing well at its level in the retail hierarchy.

10.21. In terms of impact on Catterick Garrison, the updated assessment notes the Experian GOAD survey from December 2025 noted 2 vacant units in Catterick Garrison, which equates to 3.6% of all units. The Applicant identified 4 vacant units in May 2026 (7.2%). It is considered based on this information Catterick Garrison is performing well at its level in the retail hierarchy.

10.22. Consideration has been given to the catchment area, taking into account the business model requirements of the scheme. The location is chosen due to its proximity to the motorway (A1M) and also the A66. An existing vehicular access exists to the site off the A6605. There are surrounding retail, refreshment and leisure outlets in the vicinity, including a hotel. The catchment is therefore mainly focussed upon the strategic road network (and passing traffic). The Applicants consider up to 80% of turnover will be derived from passing traffic.

10.23. The Applicant concludes that given the limited scale of the proposed drive-thru the proposals will not have a material impact upon the vitality and viability of Richmond Town Centre due to the proposed main catchment audience being passers-by on the strategic road network. Residents and tourists will continue to visit Richmond for its existing wide-ranging facilities and the town centre is currently performing well as a Principal Town Centre for the district. Similarly, Catterick Garrison is also performing well. Officers concur with this assessment and it is concluded the proposal is unlikely to result in significant adverse impacts on the town centres.

*Principle of use*

10.24. The proposal seeks a fast-food outlet. The NPPF at paragraph 97 states; Local planning authorities should refuse applications for hot food takeaways and fast food outlets:

a) within walking distance of schools and other places where children and young people congregate, unless the location is within a designated town centre; or

b) in locations where there is evidence that a concentration of such uses is having an adverse impact on local health, pollution or anti-social-behaviour.

With regards to part a), the proposal is not within walking distance of a school or other place where children and young people congregate. The nearest school is approximately over 1.5km away, which Officers do not consider is walking distance. There is no evidence put forward that the concentration of such use is having an adverse impact on local health, pollution of anti-social behaviour. As such the principle of the fast food outlet in this location can be supported.

*Conclusion on principle matters*

10.25. To conclude on principle matters, the loss of less than 1 ha of Grade 3 agricultural land is considered acceptable. Although the site lies outside of development limits, this attracts limited adverse weight in the planning balance given that the application site is adjacent to the strategic road network and relevant policy provides support for appropriate motorway-related development. Officers consider the proposal to fall within that scope and is supported by the North Richmondshire Spatial Strategy and policies SP5 and part a of policy CP7 of the Local Plan. Significant weight is given to the economic benefits, including job creation, and the scheme is regarded as contributing positively to the economy. Whilst the proposal does provide a town centre use outside of a main town centre, it is not considered the proposal would have a material impact upon the vitality and viability of the nearest Principal Town Centre (Richmond) and Catterick Garrison and there are clear locational requirements for the town centre use in this location adjacent to the strategic road network. Officers conclude there are no sequentially preferable sites suitable for the development proposed.

Principle assessment – electric vehicle charging facility

10.26. With regards to the proposed electric vehicle charging facility, this is considered low carbon development and encourages the use of sustainable transport modes. Specifically, the proposal is supported by paragraph 117(e) of the NPPF. The NPPF states applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. It is considered the dedicated facility, situated adjacent to the strategic road network and A roads in the vicinity, is considered acceptable in principle and increases the availability of facilities to charge electric vehicles.

Design and landscaping

10.27. Policy CP13 of the Local Plan seeks to ensure high quality design of both buildings and landscape and seeks to reduce the opportunities for crime. Chapter 12 of the NPPF seeks to achieve well-designed places. Paragraph 131 and 135 of the NPPF states good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Specifically, paragraph 135 of the NPPF lists design criteria to ensure developments are high quality.

10.28. Paragraph 139 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

10.29. The drive-thru restaurant is a single storey, flat roof building. It is to be constructed in a mixture of materials including dark grey brick, grey cladding and timber effect cladding. Black fenestration is proposed. The openings are larger on the northern elevation, which corresponds with the entrance to the restaurant. A green-roof is proposed. The building is fairly small-scale and commensurate in terms of the overall site area. The design is contemporary and, given its context, is not considered out of keeping with the surrounding area.

10.30. The EV charging facility is located north of the drive-thru restaurant car park and is separated by a dashed line on the proposed site plan. The application seeks outline permission only for this element, therefore the layout is indicative at this stage. The access, appearance, landscaping, layout, and scale of the EV charging facility would be subject to a reserved matters application.

10.31. The proposed drive thru restaurant is supported by a detailed landscaping scheme designed to enhance the overall setting and soften the appearance of the hard surfacing associated with the car park and access roads. 14no. trees are to be planted around the building alongside 700m2 of grass verges and 145m2 of shrubs. A grassland wildflower area (3,240m2) is to be located around the site (within the blue line). A shelterbelt of trees and shrubs are to be planted to screen the development from viewpoints along the A1(M). The landscaping is considered acceptable and the timing and implementation of this will be secured by condition.

10.32. Overall the design and landscaping of the proposal is considered appropriate and suitable for this setting in accordance with Policy CP13 of the Local Plan and the aims of Chapter 12 of the NPPF (achieving well designed places).

Residential amenity

10.33. Paragraph 135(f) of the NPPF states development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

10.34. The proposal seeks a 24-hour drive thru restaurant. There are no residential dwellings adjacent to the boundary of the site. The site is surrounded by the strategic highway network and the DVSA site. The Environmental Health Officer concludes the impact on neighbouring properties is low. As such Officers consider that the building and its use (including hours of operation) would not have a detrimental impact on residential amenity. Designing out crime considerations are set out in other issues below.

Highway safety and access

10.35. Chapter 9 of the NPPF seeks to promote sustainable transport. A safe and suitable access to the site must be achieve for all users (paragraph 115b of the NPPF). Any significant impacts from the development on the transport network (in terms of capacity or congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision led approach.

10.36. Paragraph 116 of the NPPF states development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

10.37. Paragraph 117 of the NPPF and part 5 of Policy CP3 states applications for development should give priority first to pedestrian and cycle movements and second - so far as possible – to facilitate access to high quality public transport. Development should minimise the scope for conflicts between pedestrians, cyclists and vehicles.

10.38. Part 3e of Policy CP4 of the Local Plan states development should not cause a significant adverse impact on highway safety. Policy CP13 seeks to ensure development facilitates access through sustainable forms of transport.

*Trip generation and traffic*

10.39. The site is located in close proximity to the A1(M) junction 56 that forms part of the Strategic Road Network and as such National Highways were consulted on the proposal, alongside NYC Highways. The application is accompanied by an updated Transport Assessment (dated July 2023) and Highways Technical Notes specifically for the revised proposal of a drive-thru restaurant and electric vehicle charging hub only. The application has been subject to a capacity assessment of the A1(M) Scotch Corner interchange assessing all arms of the junction, alongside consideration of future traffic growth and significant committed developments in the vicinity (Scotch Corner Designer Village and Blue Diamond Garden Centre).

10.40. Concerns are raised in the representation from Scotch Corner Richmond LLP (dated 2nd September 2022) regarding trip rates and committed development in the vicinity. These have been confirmed and updated by the Applicant's Highways Consultant in the updated Transport Assessment and Highway Technical notes. The report concludes the proposed development is expected to generate up to 55 'new' two-way trips during the network peak hours, as well as up to 213 trips as 'existing journeys' and 10 trips shared with neighbouring uses. The report states an assessment by JSJV concluded that when considering the operational performance of the SRN and its approaches to Scotch Corner roundabout, the Dalesway Lodge PFS (22/00047/OUT), Scotch Corner Caravan Park (22/00565/OUT) and Scotch Corner McDonalds (22/00402/OUT – this application) developments can come forward without the need for mitigation improvements to the existing network layout.

10.41. Since submission of the application, a further application has come forward and approved; being the full planning permission for extension to amenity building and construction of additional car parking spaces with relining / remarking of parking areas at Scotch Corner Rest Area. The Applicant's Highways Consultant states there should be no requirement to remodel the junction inclusive of 21/00418/FULL given that this would result in a negligible change to that already modelled and agreed in the TA. Highways consultees have raised no comments or concerns with regards to this.

10.42. Overall the Transport Assessment has considered the cumulative impact of those applications which have gained planning consent, the subsequent trip generation as a result of this proposal and National Highways have raised no objections to these elements in their most recent consultation response. Accordingly, the level of trip generation and resultant traffic movements are considered to be acceptable and would not prejudice highway safety or the free flow of traffic.

*Access and road safety*

10.43. The site is mainly focused on passing traffic (and the applicant confirms this is likely to be 80% of visitors), however there is a bus stop on both sides of the A6055. Buses are every half hour towards Colburn, Scotton and Darlington. This is considered accessible and likely will be used by staff (as well as a limited number of visitors) to reach the site.

10.44. The access includes vehicular, pedestrian and cycle access and ensures vehicles leave the site via a left turn only. The left in/left out priority junction that is also used by DVSA traffic to exit their site was constructed in 2018 as part of National Highway works at the interchange. The access was designed to cover both parcels of land. This proposal seeks minor works to the junction including; a 3m wide footway/cycleway, directional signage on existing cycle posts, speed control features and footway realignment to direct pedestrians to the crossing points. The proposal also seeks an extended central reserve to deter u-turning manoeuvres. These amendments have occurred following consultation with Highways and are considered acceptable and will be secured via condition and as planning obligations within a S106 agreement. It is considered the traffic associated with the development can be accommodated on the strategic road network in the vicinity of the site and the access is suitable, subject to conditions.

10.45. The Local Access Forum raise concerns regarding the lack of traffic lights for crossing the roundabout and lanes, however the Highway Authority has not suggested that this is necessary for this development in their consultation responses.

10.46. The letter of representation from Moto dated 12th August 2022 raises concerns regarding highway matters. Notably pointing out concerns raised from National Highways and the Local Highway Authority in their earlier responses to the scheme. Moto also raised concerns regarding the original Transport Assessment which included no right turning pocket entering the Mcdonalds, the traffic surveys do not into account the seasonal consideration from the A1(M) and only three sources were used to inform trip rates. During the course of the application and following consultation with National Highways, amendments have been made to the proposal and an updated Transport Assessment provided (dated July 2023) alongside supporting highway technical notes. These have been deemed to be acceptable by the Highways consultees and sufficient for the purposes of assessing highway impacts.

10.47. The letter of representation from DVSA dated 11th August 2023 raises concerns regarding access and movements in and around their site, in particular the impact of the development on vehicles egressing their site (for example potential conflict). Alongside an updated Transport Assessment, a Stage 1 Road Safety Audit has been completed and a Highways Technical Note (dated 14th September 2023) prepared by the Applicants Highways Consultant. The Road Safety Audit (RSA) is signed by the Applicants Transport Consultant (AMA) and National Highways. This audit includes a number of actions such as hardwearing road markings, give way signs, speed control features, direction of pedestrians and signage indicating no HGVs. In particular the Road Safety Audit at 3.2 notes the concerns surrounding the DVSA site and there are agreed road safety actions in relation to this including a give-way sign and limiting the speed on the access road into the application site to ensure vehicles travel below 10mph. National Highways have agreed to these actions and the RSA is signed by both parties.

10.48. As this is a stage 1 road safety audit only, a stage 2, 3 and 4 road safety audit are also required to ensure that the design, construction and operation of the highway works associated with the development provide a safe and suitable access for all users, having regard to the findings of the stage 1 road safety audit. National Highways recommend a condition to secure the actions within the stage 1 audit are completed, however to secure these measures it is necessary to condition a stage 2 RSA (detailed design), alongside a stage 3 RSA (post works) and stage 4 RSA (monitoring). This is set out within condition 5. Subject to ensuring the road safety actions are progressed via these conditions it is not considered the proposed access would have an adverse impact on the highway network and its users. Officers have consulted National Highways as a result of the change of the wording of their recommended condition and this has been agreed.

*Vehicle parking*

10.49. In terms of the full planning application for the drive-thru restaurant, vehicle parking is provided for 55no. cars – 4no. of these are to be electric vehicle charging units. 8no. spaces are futureproofed for electric vehicle charging. 2no. accessible car parking spaces are proposed, alongside 3no. motorcycle bays. The raised kerb island to the central run of parking bays was omitted to allow larger vehicles/caravans to park across two bays. In terms of the outline permission, 20no. spaces are to be provided for the EV charging facility. Overall the level of car parking is considered acceptable.

*Cycle parking*

10.50. Cycle parking is provided to the front of the building. This will provide spaces for approximately 6no. cycles on a short-term basis. This is in excess of the LTN1/20 requirement (Government guidance on cycle infrastructure design) for 2 short term spaces for a retail unit of this size and is welcomed. Whilst it is acknowledged the drive-thru

restaurant is not classed as retail, this is the closest land use type in table 11-1 of LTN1/20 when assessing minimum cycle parking capacity. A condition has been added to ensure these spaces are in place prior to first use. LTN1/20 also requires 2no. long stay, secure and covered cycle spaces, which will likely be used by staff. A cycle locker has been added adjacent to the Corral (the enclosed, integral area of the restaurant building used for storing and separating waste). Whilst the location is specified, there are no elevations or floorplans of the lockers, therefore a condition has been added to ensure these details are submitted and approved by the Local Planning Authority to encourage sustainable travel and in accordance with LTN1/20. Subject to condition, the cycle parking is considered acceptable for this development.

*Pedestrian access*

10.51. In terms of pedestrian access, there is currently a pedestrian footpath with a tactile crossing across the site entrance junction along the A6055. A further tactile crossing exists to the south to allow pedestrians to access both sides of the A6055. Footway realignment is proposed to direct pedestrians to crossing points. As part of the development, a pedestrian footpath is to be provided on the southern edge of the access road into the site. This extends to the car park and links to a pedestrian crossing to access the building entrance. Further pedestrian crossings are provided throughout the site. It is considered the proposal adequately considers pedestrian movements in and around the site to allow for a safe development.

*Travel Plan*

10.52. An interim Travel Plan has been submitted (dated 20th July 2023). NYC Highways acknowledges that given the location of the site that there is limited scope for the Travel Plan to influence the travel behaviour of customers however the primary aim of the Travel Plan in this instance is to try and influence staff travel patterns.

10.53. The Interim Travel Plan will need to be developed further, providing more information in order for the Travel Plan to be approved. The applicant proposes a Travel Plan Co-ordinator to ensure implementation of the proposed measures, which is positively encouraged. The applicant agrees to a contribution of £5,000 to enable North Yorkshire to monitor implementation of the Travel Plan, once a detailed Travel Plan is approved by condition. This is considered to meet the tests, as it is necessary, directly related to the development and reasonable, to ensure the travel plan measures are implemented on site. Subject to condition, it is considered the Travel Plan will support the proposed development in promoting sustainable transport choices and minimising reliance on private car use, in particular for staff.

*Conditions and conclusion on highway matters*

10.54. National Highways recommend conditions should be attached to any permission granted including highway improvement works, a construction traffic management plan and completion of agreed RSA actions. These have been added, although the RSA condition has been expanded as set out earlier in the report at 10.48. An additional servicing and delivery management plan (to include refuse collection strategy) has been conditioned which was an action within the RSA to be secured separately via a planning condition. The highway improvement works and RSA actions are off site works. The land is either in the Applicant's ownership or National Highways ownership. A S106 agreement is required to ensure the developer enters into a S278 agreement to undertake these works at the cost of the developer.

10.55. NYC Highway Authority recommend conditions in respect of detailed plans for road, footway, access, turning and parking, alongside a Travel Plan condition. These conditions are considered to meet the tests and have been added.

10.56. Given the revised details submitted and following consultation with Highway bodies (who now raise no objection), the proposal would not result in an unacceptable impact on highway safety or severe residual cumulative impacts, subject to conditions and securing a legal agreement and would provide safe and sustainable transport options, in line with the requirements of the NPPF, LTN 1/20 and Policy CP3 and Policy CP14 of the Local Plan.

Trees

10.57. Paragraph 136 and chapter 15 of the NPPF relates to trees and conserving and enhancing the natural environment. Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning decisions should ensure that opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Policy CP2 part 3(b) of the Local Plan states development proposals should include tree planting where possible.

10.58. The application is accompanied by a Tree Survey report (dated December 2025). Group G2 containing 3 trees (along the northern site boundary) and a small part of G3 perimeter hedge (close to the western boundary) will require removal. 4no. individual Hawthorn trees are required to be removed. All of these trees are categorised as C2 – low quality. None are protected by a Tree Preservation Order.

10.59. The root protection area of Group G1 extends within the proposed access road by 10%. Recommendations have been made in the report to prevent root damage to ensure longevity of the trees. Recommendations have been made within the report to safeguard all existing healthy trees within the site and within proximity to it. All remaining trees are to be retained and protected from any damage due to construction work including erection of protective fencing around them to separate from the construction activities and ground protection measures to prevent root compaction.

10.60. The loss of category C2 trees is considered acceptable as these are low quality specimens. The Council's Arboricultural Officer has no objections subject to tree replanting (which is secured via the proposed landscaping scheme) and the tree protection measures outlined in the submitted tree report. The recommendations as set out in the survey can be conditioned to ensure tree protection during construction and operation. Replacement tree planting is secured via the landscaping scheme (further detailed in 10.31) and conditioned. The proposal includes the planting of 14no. trees and a shelterbelt of trees and shrubs to help screen the development. As such the proposal accords with paragraph 136 of the NPPF and policy CP2 part 3(b) of the Local Plan.

Heritage and Archaeology

10.61. Middleton Tyas Conservation Area is located over 0.5km to the east of the site. Given the distances, it is not considered that the Conservation Area will be impacted in this case.

10.62. Paragraph 207 of the NPPF states where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

10.63. Local Plan Policy CP12 relates to conserving and enhancing environmental and historic assets and seeks to ensuring archaeological remains are appropriately considered.

10.64. The desk based assessment demonstrates that the area has high archaeological potential, particularly for deposits of the Roman period. The site is adjacent to the route of Dere Street, a major road in the Roman period. Recent archaeological work in advance of the A1 upgrade identified a significant Roman roadside settlement to the immediate west. This

settlement was significant as it represents evidence for early contact between the Romans and native populations at a much earlier date than previously assumed. The native population had close connections with the oppidum of Stanwick and there were very significant finds including early coin moulds and high status imports from the continent.

10.65. The geophysical survey showed a number of anomalies of potential archaeological interest and as such the Council's Archaeologist recommended a programme of trial trenching.

10.66. This was carried out and in this case the trenching failed to reveal any archaeological finds or features with the conclusion being that agricultural truncation on this side of the road had removed all traces of Roman occupation. Given the negative results of the trial trenching there is no justification for further archaeological works at the site confirmed by the Council's Archaeologist. The Council's Archaeologist confirms no objection to the proposal. As such the proposal is not considered to harm heritage assets of archaeological interest in line with the NPPF requirements and policy CP12 of the Local Plan.

Flooding and Drainage

10.67. Policy CP2, part 3(d) of the Local Plan states development must be steered away from flood risk areas by adopting a sequential approach as set out in prevailing national guidance (and paragraphs 181 and 182 of the NPPF). Development must be designed to minimise flood risk on-site and elsewhere, by:

- Incorporating Sustainable Drainage Systems (SuDS) unless they are demonstrated to be impracticable or they will pose an unacceptable pollution risk. SuDS should minimise surface water flood risk, protect waterways and provide aesthetic and ecological benefits

- Not building over or culverting watercourses unless it is to facilitate essential access

- Encouraging the opening of existing culverts.

10.68. The application is accompanied by a Flood Risk Assessment, prepared by Glanville, dated 29th April 2022. The report concludes localised surface water flood risk is low and the on-site drainage, building floor level and the site level design will ensure that any pluvial flooding is routed. The report concludes the surface water drainage strategy follows sustainable drainage guidance.

10.69. Since submission of the Flood Risk Assessment, the EA maps were updated in 2025 and the site is no longer within a surface water flood risk area. As such, a sequential test is not required. It would not be necessary to request an updated flood risk assessment in this case on the basis that the situation has improved.

10.70. As of June 2026, the site is located in Flood Zone 1 with no surface water flooding risk across the site according to the Government's Flood Map for Planning. North Yorkshire Council in its capacity as LLFA does not hold any records of flooding within the proposed site boundary. This does not mean to say that flooding has never happened or will not happen in the future as incidents can often go unreported.

10.71. Following consultation with the LLFA and Yorkshire Water, over the course of the application, the drainage strategy has changed to a permeable paving Type C solution, with a rainwater harvesting tank and overflow soakaway. Hydraulic calculations show that the drainage system has been appropriate designed. A 40% climate change allowance has been included. The new design is in line with recent consultations and is appropriately designed, with an overflow mechanism to a standalone soakaway, with rainwater harvesting used for onsite purposes.

10.72. Foul water will discharge via gravity to the public foul water sewer network (with private foul pumping station located within the site discharging at 2.5 litres per second). Yorkshire Water raise no objections to this.

10.73. In consultation with the LLFA and Yorkshire Water, the submitted documents demonstrate a reasonable approach to the management of surface water and foul water on site. The LLFA recommend conditions which have been added. It is considered the proposal meets the requirements of the NPPF and part 3(d) of Policy CP2 of the Local Plan with regards to a suitable drainage strategy.

Ecology and Biodiversity Net Gain

10.74. Part 3b of policy CP4 of the Local Plan states development should not lead to the loss of, or adverse impact on, or cause deterioration of important nature conservation or biodiversity sites. Part c of Policy CP12 of the Local Plan states where avoidance of adverse impacts is not possible, necessary mitigation must be provided to address any potential harmful implications of development. Where adequate mitigation measures are not possible, compensatory measures will be required.

10.75. Paragraph 193 of the National Planning Policy Framework states that when determining planning applications, Local Planning Authorities should apply several principles. One of these states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

10.76. The application is accompanied by an Ecological Appraisal (revision D – dated 16th January 2026). This concludes the habitats present at the proposed development site are not currently considered to be of ecological value outside of the zone of influence. Consequently, the proposals are not likely to have a significant ecological impact. However, mitigation measures are required to prevent the disturbance of nesting birds. This can be conditioned. The Ecologist has also recommended a Construction Ecological Management Plan be conditioned and this has been added.

10.77. The following ecological enhancements are proposed; green roof, 14no. specimen tree planting, native tree screening planting (around 250 trees), wildflower grassland and bird boxes. These are all secured via condition. The green roof and bird boxes have their own individual condition. The tree planting and wildflower grassland are shown on the landscaping scheme which is conditioned.

10.78. Planning Permissions in England are deemed to be granted subject to the general Biodiversity Gain Condition as set out by Schedule 7A, paragraph 13 of the Town and County Planning Act 1990 (TCPA) as amended by Schedule 14, Part 2, paragraphs 13, 14 and 15 of the Environment Act 2021. The application was submitted in 2022 before the BNG requirements of the Environment Act came into force in 2024. The general biodiversity gain condition is therefore not applied in this instance.

10.79. The ecological appraisal (2026) has however considered biodiversity net gain and an updated assessment is provided. The baseline habitats biodiversity value of the site is 2.31 units. The post-development habitats biodiversity value will be 3.55 units, a gain of 1.24 units (53.69%). This includes grassland, woodland, a green roof and shrubs. The trading rules are also met. The Ecologist has recommended a Habitat Management and Monitoring Plan condition to ensure the BNG is secured for on-site works and this has been added. As some of the BNG works are off-site but within the blue line, this can be secured by S106.

10.80. Overall it is considered the proposal avoids adverse ecological impacts, provides necessary mitigation measures and presents an uplift in BNG, in line with paragraph 193 of the NPPF, part 3b of Policy CP4 and Part c of Policy CP12 of the Local Plan.

Sustainable design

10.81. Policy CP3 of the Local Plan requires all new development to be adaptable to climate change in terms of both its location and the specific design and layout of buildings and associated external spaces. Chapter 14 of the NPPF relates to climate change, specifically paragraph 166 states development should take into account landform, layout, building orientation, massing and landscaping to minimise energy consumption.

10.82. The outline application for the installation of the electric vehicle charging facility will provide 20no. electric vehicle charging points which meets the overall aims of Policy CP3 in achieving sustainable development and addressing climate change.

10.83. With regards to the full application for the drive thru' restaurant, the planning statement states approximately 90% of new restaurants are built using modular construction techniques, which use considerably less energy. The external shell is designed to prevent air leakage and achieve the U-value required by building regulations alongside specifically engineered energy reduction strategies. Other measures used in this development are; a green roof, LED lighting, automatic closure of doors and room sensors to monitor internal air temperatures. The planning statement states the restaurant operator buys 100% renewable energy and have invested in long term partnership agreements to develop the renewable energy infrastructure in the UK.

10.84. Overall it is considered the proposed development incorporates green infrastructure and incorporates sustainable design measures in line with paragraph 166 of the NPPF and Policy CP3 of the Local Plan.

Other Issues

10.85. The site is within an area for advertisement control. The advertising and signage for the development will be subject to a further application for advertisement consent.

10.86. Part n of Policy CP3 and part 3e of Policy CP2 of the Local Plan seeks to reduce waste, promote recycling and provide suitable and accessible sites which foster sustainable waste management. It is acknowledged the proposed restaurant will generate waste from packaging, deliveries and takeaways. Litter has been raised as a concern within the public representations. The Designing out Crime Officer states bins should be provided and emptied on a regular basis, including regular litter patrols.

10.87. Bins are shown on the proposed site plan and are distributed throughout the car park and within the outdoor patio area. Refuse will be stored and managed within the corral area. These are conditioned to be installed prior to the first use of the drive-thru restaurant. The planning statement states it is company policy to conduct a minimum of 3no. daily litter patrols and anti-littering signage is displayed within restaurants and car parks, which is considered suitable litter management in accordance with part n of Policy CP3 and part 3e of Policy CP2 of the Local Plan. This will aid in vermin management (raised as a concern in the objections).

10.88. Development proposals will be expected to provide an appropriate risk assessment and remediation strategy that addresses any issues of land contamination or land instability arising from past uses or activities (part 4 of policy CP4). The Environmental Health Officer has reviewed the application and recommends an unexpected land contamination condition.

10.89. Whilst concerns are raised in the representation regarding the number of fast food outlets in the area, each application is judged on its own merits and there is no policy requirements restricting the number. Similarly the site is not considered to be within walking distance of local schools.

10.90. Perceived anti-social behaviour and concerns regarding staff management is not a valid reason for refusal unless there is a clear, demonstrable link between the proposed use and actual, evidenced harm. In this case, no harm has been found and it would be the Operator's responsibility to establish management practises for responsible use of the site (for example installing CCTV).

10.91. An objection raises concerns regarding profit being prioritised; however this is not a material planning consideration.

10.92. With regards to the concerns regarding electricity supply and grid capacity, this falls under the responsibility of the Distribution Network Operator. These bodies have statutory duties to maintain, upgrade, and expand the network to meet demand. There is no evidence to suggest the small scale nature of the development would place an unacceptable burden on the grid.

10.93. Concerns are raised regarding the piecemeal approach to determining planning applications in this area, however each application is judged on its own merits and the Local Planning Authority has no control over the applications submitted in the wider area. The proposal is not considered to prejudice any wider strategy or allocation.

Public Sector Equality Duty

10.94. 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, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

10.95. The Public Sector Equality Duty does not specify a particular substantive outcome but ensures that the decision made has been taken with "due regard" to its equality implications. Officers have given due regard to the equality implications of the proposals in making this recommendation. For example the proposal includes the provision of 2no. disabled car parking spaces. There is no indication or evidence (including from consultation on this application) that any equality matters are raised.

Section 106 Legal Agreement

10.96. The following heads of terms have been agreed with the applicant for this application:

| Type of provision | Amount (£) / % Requirements | Trigger point / date contribution due to be paid |
|---|---|---|
| Off site highway works | Entry in a Section 278 agreement to secure the offsite highways works (as shown on plans AMA/50038/SK017-01 P06 and AMA/50038/SK017-02 P06) | Works to be completed prior to first occupation of the drive-thru restaurant. |
| Off site BNG works and HMMP | Delivery of the off-site BNG works in the blue line on the Landscaping Scheme. | Prior to first occupation of the drive-thru restaurant |

| | | |
|---|---|---|
| Travel Plan Monitoring Fee | £5,000.00 | Prior to first occupation of the drive-thru restaurant. |
| BNG Monitoring Fee | Anticipated as £2,955.00 but to be confirmed | Prior to commencement of development. |

## 11.0 PLANNING BALANCE AND CONCLUSION

11.1. To conclude, although the site lies outside of development limits, this attracts limited adverse weight in the planning balance given that the application site is adjacent to the strategic road network and relevant policy provides support for appropriate motorway-related development. Officers consider the proposal to fall within that scope and is supported by the North Richmondshire Spatial Strategy, policy SP5 and policy CP7 of the Local Plan. Significant weight is given to the economic benefits, including job creation, and the scheme is regarded as contributing positively to the economy. The loss of less than 1 ha of Grade 3 agricultural land is considered acceptable.

11.2. In light of the nature of the use proposed, it is accepted that the drive-thru facility would primarily serve customers of the strategic road network, rather than becoming a stand alone destination for customers from the town centres. There are clear market and locational requirements for the siting of the drive-thru in this location and alternative sites in and on the edge of the Principal Towns of Richmond and Catterick Garrison and Leyburn were deemed to be unsuitable or unavailable. Officers conclude there are no suitable sequentially preferable locations, therefore consider the sequential test is passed. It is not considered the proposal would have a material impact upon the vitality and viability of the nearest town centres.

11.3. Technical matters in the full application for the drive-thru restaurant such as design, landscaping, highways, amenity, trees, drainage, ecology, archaeology and sustainable design have all been adequately addressed and where necessary further details secured by condition or s106 obligation where relevant.

11.4. It is considered the proposed dedicated EV charging facility, situated adjacent to the strategic road network and A roads in the vicinity, is acceptable in principle and increases the availability of facilities to charge electric vehicles. Outline permission is sought for this element, with all matters reserved for a future reserved matters application.

11.5. Taking the above matters into account, approval is therefore recommended subject to conditions and prior to completion of a S106 agreement for highway improvement works, BNG requirements and a £5,000 contribution towards Travel Plan monitoring.

## 12.0 RECOMMENDATION

12.1. That full planning permission be GRANTED for a drive-thru restaurant (Use Class E/Sui Generis) and associated access, servicing and landscaping and that outline planning permission be GRANTED for an electric vehicle charging facility with all matters reserved subject to conditions listed below and prior to completion of a s106 agreement to secure highway improvement works, BNG requirements and £5,000 towards the cost of the Travel Plan monitoring.

**Recommended conditions:**

*Full planning permission – drive-thru restaurant*

**Condition 1 - Time Limit**

The development hereby permitted shall be begun on or before three years from the date of this permission.

Reason: To ensure compliance with Sections 91-94 of the Town and Country Planning Act 1990.

**Condition 2 - Approved Plans**

The development hereby permitted shall be carried out in strict accordance with the following drawings and plans;

Location Plan ref. 12267_AEW_1752_1001; (uploaded 20th July 2023)

Existing Site Plan ref. 12267_AEW_1752_1003 Rev A; (uploaded 22nd September 2023)

Proposed Site Plan ref. 12267_AEW)1752_1004 Rev E, dated 10/02/2026; (uploaded 16th February 2026)

Proposed Elevations ref. 12267_AEW_1752_1005; (uploaded 20th July 2023)

Block Plan ref. 12267_AEW_1752_1002; (uploaded 20th July 2023)

Proposed Floor and Roof Plan ref. 12267_AEW_1752_1006; (uploaded 20th July 2023)

Proposed Landscape Plan ref. 12267_AEW_1752_1015; (uploaded 20th July 2023).

Landscaping Scheme Area 1, prepared by Encon ref. A5489 07 Rev D; (uploaded 20th July 2023)

Landscaping Scheme Area 2, prepared by Encon ref. A5489 08 Rev A; (uploaded 20th July 2023).

Reason: For the avoidance of doubt and in the interests of proper planning.

**Condition 3 – Highway works**

No part of the development to which this permission relates must be brought into use until the completion of the proposed highway improvement works shown in principle on the following drawings;

• AMA/50038/SK017-01 P06 ‘Proposed central reserve along the A6055’
• AMA/50038/SK017-02 P06 ‘Proposed improvements to site access and SCI Approach.

Reason; In the interests of highway safety.

**Condition 4 – Construction Traffic Management Plan**

No development for any phase of the development must commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The plan must include;

a) Provision of a safe and appropriate access to facilitate construction vehicles entering and exiting the site during the construction stage.

Once approved, development must then be carried out in strict accordance with the approved construction traffic management plan.

Reason; In the interests of highway safety during construction phase.

**Condition 5 – Road Safety Actions**

A) No above-ground works shall commence until a Stage 2 Road Safety Audit has been carried out in accordance with GG 119 Road Safety Audit (or any superseding standard) for all highway works associated with the development.

The Stage 2 Road Safety Audit shall be undertaken by an independent, suitably qualified auditor and shall be carried out in accordance with and taking account of the recommendations and actions of the approved RSA1 response report (rev 5).

Prior to commencement of the above-ground works, the audit report and Designer's Response shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority and National Highways) and any measures identified within the approved Stage 2 audit shall be implemented in full in accordance with the approved detailed design.

B) Following completion of the construction of the highway works and prior to first use of the development hereby permitted, a Stage 3 Road Safety Audit shall be undertaken, together with a Designer's Response, and submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority and National Highways). Any measures identified within the approved Stage 3 audit shall be implemented in full within a timescale to be agreed.

C) A Stage 4 Road Safety Audit (Monitoring) shall subsequently be undertaken, covering a period of 12 months following substantial completion of the highway works. Within 2 months of the completion of the Stage 4 report, the Stage 4 report and any recommended mitigation measures shall be submitted to the Local Planning Authority for approval in writing. Once approved, any agreed measures shall be implemented within an agreed timescale.

Reason: In the interests of highway safety and to ensure that the design, construction and operation of the highway works associated with the development provide a safe and suitable access for all users, having regard to the findings of the Stage 1 Road Safety Audit and in accordance with national and local planning policies.

**Condition 6 – Road and Footway Layout**

Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority.

The development must only be carried out in compliance with the approved engineering drawings.

Reason: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.

**Condition 7 – Access, Turning and Parking**

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) the land subject to full planning permission 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 parking;

• loading and unloading arrangements relating to deliveries to the development site.

No part of the development must be brought into use until the vehicle, cycle and pedestrian access, parking, loading and unloading arrangements on the land subject to full planning permission 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.

**Condition 8 – Travel Plan**

Prior to the first use of the drive-thru hereby permitted, a full 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 years 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.

**Condition 9 – Travel Plan Delivery**

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

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

**Condition 10 – Servicing and Delivery Management Plan**

Prior to first use of the drive-thru restaurant hereby permitted, a Servicing and Delivery Management Plan (SDMP) shall be submitted to and approved in writing by the Local Planning Authority. Alongside service and delivery details, the plan shall also include details of refuse collection arrangements. Once approved, the development shall thereafter be operated in full accordance with the approved SDMP unless otherwise agreed in writing by the Local Planning Authority.

Reason: To establish a management plan in accordance with the action set out within the Road Safety Audit 1 in the interests of highway safety.

**Condition 11 – Tree protection**

Prior to the commencement of development, the measures set out in the Tree Protection Method Statement (section 6 and appendix C of the Tree Survey, dated December 2025) shall be implemented on site in strict accordance with the details submitted. The approved measures shall

be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed from the site.

Reason: In the interests of protecting the existing trees on site.

**Condition 12 – Landscaping**

The proposed planting details set out on the 'Landscaping Scheme McDonald's Site Area 1 and 2' approved pursuant to condition 2 shall be fully implemented within the first planting season prior to first use of the drive-thru restaurant and shall thereafter be protected, maintained and managed in accordance with the approved details.

There shall be no excavation or raising or lowering of levels within the prescribed root protection areas of retained trees unless previously approved in writing by the Local Planning Authority.

Reason: In the interests of securing the timing and implementation of the landscaping scheme.

**Condition 13 – Replacement planting**

Except for any trees, hedges or shrubs that may be identified for removal on the approved landscaping plans and schedule, approved pursuant to condition 2, if within a period of five years from the date of the completion of the landscaping scheme pursuant to condition 2, any tree, hedge or shrubs are felled, removed, uprooted, destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged, diseased or defective, it/they shall be replaced by planting as originally approved, unless the Local Planning Authority gives its written approval to any variation. This replacement planting shall be undertaken before the end of the first available planting season, following the removal, uprooting, destruction or death of the original trees or plants.

Reason: To ensure the environment of the development is improved and enhanced and maintained.

**Condition 14 – Unexpected land contamination**

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

Reason: In the interests of securing a safe site.

**Condition 15 – Waste Management**

Prior to first use of the drive-thru restaurant hereby permitted, provision shall be made for the storage of refuse within the site in accordance with details shown on the proposed site plan. This includes storage within the corral, target bins, trash bins and ash bins, which were previously submitted to and approved in writing by the Local Planning Authority. Such approved details shall thereafter be retained and maintained in perpetuity.

Reason: In order to provide satisfactory provision of on-site refuse bin storage to ensure that any impact upon visual and residential amenity is kept to a minimum.

**Condition 16 – Construction Ecological Management Plan**

Prior to commencement of development, a Construction Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall detail avoidance, mitigation, and enhancement measures to be implemented during construction. This document should be supported by pre commencement surveys/checks for mobile species. Once approved, development shall be carried out in strict accordance the approved details.

Reason: In the interests of securing ecological management during construction.

**Condition 17 - Bird boxes**

Prior to the commencement of the external walling of the drive-thru hereby permitted, the applicant/developer shall submit to the Local Planning Authority for written approval a scheme for bird boxes to be placed either on the building or within the site the subject of this application.

The approved scheme shall be implemented and completed prior to the first use of the drive-thru restaurant hereby approved and the approved bird boxes maintained and retained thereafter in perpetuity, unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests in protecting biodiversity throughout construction and to ensure mitigation measures are secured as recommended in the ecological survey.

**Condition 18 - Green Roof**

Prior to its installation, a detailed specification of the green roof shall be submitted to and approved in writing by the Local Planning Authority. The specification shall include details of the quantity, size, species, position and the proposed time of planting of all elements of the green roof, together with details of their anticipated routine maintenance and protection. The green roof shall only be installed in accordance with the approved details prior to any occupation or use of the development and thereafter retained and maintained as such.

If within 5 years of the installation of the green roof any planting forming part of the green roof shall die, be removed, or become seriously damaged or diseased, then this planting shall be replaced in the next planting season with planting of a similar size and species.

Reason: To enable the Local Planning Authority to consider the details of the new green roof at an appropriate stage in the course of the development to ensure that the development displays good design practice and reflects local distinctiveness, having due regard to visual amenity and ensuring biodiversity net gain on site.

**Condition 19 - Vegetation clearance**

Vegetation clearance shall not commence between 1st April and 30th September inclusive, unless the local planning authority has confirmed in writing that such works can proceed based on the submission of a survey that has been undertaken by a competent ecologist to assess current nesting bird activity together with details of measures to protect birds.

Reason: To ensure mitigation measures are secured as recommended by the ecological survey in the interests of protecting nesting birds.

**Condition 20 – HMMP**

No phase of development shall commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Phase Biodiversity Gain Plan has been submitted to and approved in writing by the local planning authority and including:

(a) a non-technical summary;

(b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;

(c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Phase Biodiversity Gain Plan for that phase;

(d) the management measures to maintain habitat in accordance with the approved Phase Biodiversity Gain Plan for that phase for a period of 30 years from the completion of development; and

(e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.

Notice in writing shall be given to the Council when the HMMP works for any phase have started.

Prior to first use of the drive-thru restaurant hereby permitted, the following details shall be completed and evidence submitted to the Local Planning Authority for its written approval:

(a) the habitat creation and enhancement works set out in the approved HMMP for that phase have been completed; and

(b) a completion report, evidencing the completed habitat enhancements for that phase, has been submitted to, and approved in writing by the Local Planning Authority.

The created and/or enhanced habitat specified in the approved HMMP for that phase shall be managed and maintained in accordance with the approved HMMP that phase.

Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP for that phase.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with part 3b of Policy CP4 and Part c of Policy CP12 of the Local Plan.

**Condition 21 - Drainage Details**

The development hereby permitted shall be built in accordance with the following submitted designs;

• Response to LLFA consultation Letter, Glanville Consultants Ltd, Reference 019_4210648_HG_LLFA_Response, Dated 31/08/2023.
• Proposed Drainage Layout for McDonalds and EV Hub, Glanville Consultants Ltd, Reference 4210648-1200, Revision P2, Dated 31/08/2023.
• Hydraulic Calculations, Glanville Consultants Ltd, Reference 4210648, Dated 29/08/2023.
• Drainage Maintenance Plan, Glanville Consultants Ltd, Reference 4210648/GM/017, Revision 1, Dated 30/06/2023.
• Flood Risk Assessment – McDonalds Scotch Corner – NB8609, 29th April 2022
• Geoenvironmental Investigation - Ex - LF64258 MCD Scotch Corner - REPORT - Flood Risk Assessment_Part2, 15 June 2022
• Geoenvironmental Investigation - Ex - LF64258 MCD Scotch Corner - REPORT - Flood Risk Assessment_Part3, 15 June 2022

A 40% allowance has been included for climate change for the lifetime of the development. Storage will be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event.

The scheme has included a detailed maintenance and management regime for the storage facility. Principles of sustainable urban drainage shall be employed wherever possible.

Reason: To ensure that the development is built to the submitted drainage design; to prevent the increased risk of flooding; to ensure the provision of adequate and sustainable means of drainage in the interests of amenity.

**Condition 22 – Short-stay cycle parking**

Prior to first use of the drive-thru restaurant hereby permitted, provision shall be made for short-stay cycle parking on site in accordance with details shown on the proposed site plan previously submitted to and approved in writing by the Local Planning Authority. The cycle parking shall thereafter be retained and maintained in perpetuity.

Reason: To ensure provision of an adequate and satisfactory standard of short-stay bicycle parking on the site in accordance with LTN1/20.

**Condition 23 – Long-stay cycle parking**

Prior to the construction of the external walling of the drive-thru restaurant hereby permitted, details shall be submitted to the Local Planning Authority for its written approval for the provision of 2no. long stay, secure and covered cycle parking spaces on site (as shown as cycle lockers on the approved site plan). Once approved and prior to first use of the drive-thru restaurant, the details shall be implemented on site and maintained in perpetuity.

Reason: To ensure provision of an adequate and satisfactory standard of long-stay bicycle parking on the site in accordance with LTN1/20.

**Condition 24 – EV charging drive-thru restaurant**

The drive-thru restaurant hereby permitted shall not be used for the purposes approved until the 4no. electric vehicle charging points and 8no. bays are futureproofed for future electric vehicle charging points, are installed on site in accordance with details previously submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved charging points and ducting shall be retained and maintained in perpetuity.

Reason: To ensure provision of electric vehicle charging points for low emission vehicles as part of the transition to a low carbon economy.

*Outline planning permission – EV charging facility*

**Condition 25 – Date of Reserved Matters**

Application(s) for the approval of the matters reserved by conditions of this permission for an EV charging facility shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than whichever is the latest of the following dates:-

(i) The expiration of three years from the date of this permission; or

(ii) The expiration of two years from the final approval of the reserved matters; or,

(iii) In the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To conform 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 26 – Reserved Matters Details**

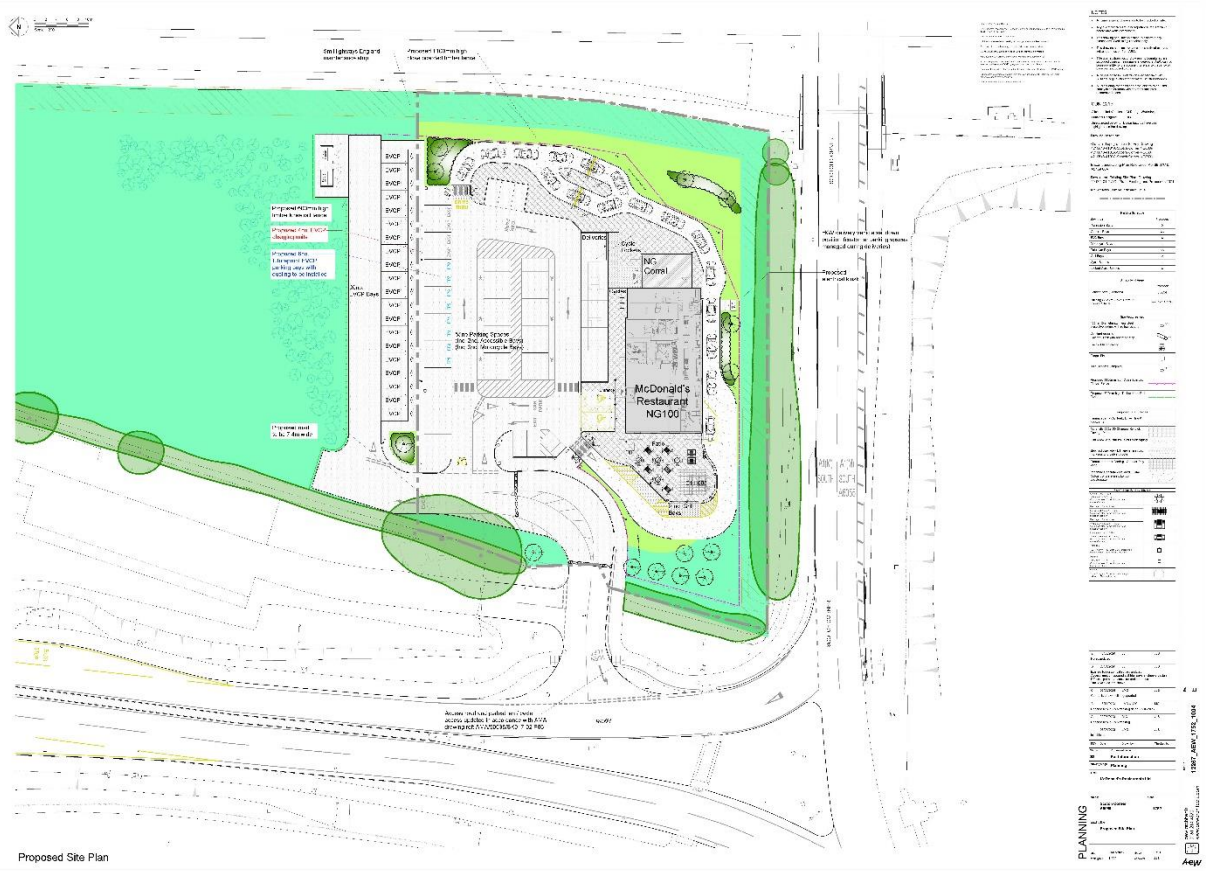
Details of the access, appearance, landscaping, layout, and scale of the EV charging facility, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development commences and the development shall thereafter be undertaken in accordance with the approved details.

Reason: In accordance with Section 92 of the Town and Country Planning Act 1990 (as amended) and to enable to the Local Planning Authority to exercise proper control over these aspects of the development.

**Target Determination Date:** 19.02.2026

**Case Officer:** Natalie Scholey, natalie.scholey@northyorks.gov.uk

**Appendix A – Proposed Site Plan**




Proposed Site Plan