

# **RYEDALE DISTRICT COUNCIL**

## **TOWN & COUNTRY PLANNING ACT 1990 FULL APPLICATION FOR PERMISSION TO CARRY OUT DEVELOPMENT**

**RYEDALE DISTRICT COUNCIL, THE LOCAL PLANNING AUTHORITY, HAS  
CONSIDERED THIS APPLICATION AND HAS DECIDED IT SHOULD BE APPROVED  
SUBJECT TO THE CONDITIONS STATED BELOW:**

**Application No:** 19/00206/FUL

**Proposal:** Demolition of existing car showroom and erection of Co-op retail store with associated car parking and access

**at:** Kia Motors Piercy End Kirkbymoorside North Yorkshire YO62 6DT

**for:** Ryedale Garages (1946) Ltd

**Decision Date:** 2 August 2019

### **REASON FOR APPROVAL**

The proposed development is in accord with the following development plan policies and there are no other material considerations that outweigh those listed development plan policies:

Local Plan Strategy -Policy SP1 General Location of Development and Settlement Hierarchy  
Local Plan Strategy - Policy SP7 Town Centres and Retailing  
Local Plan Strategy -Policy SP11 Community Facilities and Services  
Local Plan Strategy - Policy SP12 Heritage  
Local Plan Strategy - Policy SP16 Design  
Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development  
Local Plan Strategy - Policy SP20 Generic Development Management Issues  
National Planning Practice Guidance  
National Planning Policy Framework

### **CONDITIONS AND ASSOCIATED REASONS**

- 01 The development hereby permitted shall be begun on or before 01 August 2022.
- Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004
- 02 Prior to the construction of any walling on the development hereby approved, details and samples of the materials to be used on the exterior of the building the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.
- Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policy SP20 of the Local Plan Strategy.

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- 03 The development shall be undertaken in accordance with the following approved plans:

10837-DB3-S01-00-DR-A-90001  
10837-DB3-S01-00-DR-A-90003  
10837-DB3-S01-ZZ-DR-A-20004 REV A  
10837 - DB3-B01-XX-DR-A-20002  
10837-DB3-B01-00-DR-A-20001  
10837-DB3-B01-01-DR-A-20003

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

- 04 There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

Reason: In accordance with Policy SP20 of the Local Plan Strategy and in the interests of highway safety

- 05 Before the end of the first planting season (November - March inclusive) following the commencement of development, plans showing details of landscaping and planting schemes shall be submitted to and approved in writing by the Local Planning Authority prior any such planting taking place. The schemes shall provide for the planting of trees and shrubs and show areas to be grass seeded or turfed where appropriate to the development. The submitted plans and/or accompanying schedules shall indicate numbers, species, heights on planting, and positions of all trees and shrubs including existing items to be retained.. All planting, seeding and/or turfing comprised in the above scheme shall be carried out in the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development hereby approved and to comply with the requirements of Policy SP20 of the Local Plan Strategy.

- 06 There shall be no deliveries to the site except during the following times:

07:00 - 18:00 hours Monday to Friday  
08:00 - 16:00 hours on Saturdays and Sundays

With no vehicles waiting to deliver outside of these times with the exception of a single newspaper delivery every morning.

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Reason: In the interests of the amenities of nearby occupiers and to satisfy Policy SP20 of the Local Plan Strategy.

- 07 Prior to the first use of the development hereby approved a 2.5m high wooden acoustic fence along the northern boundary shall be installed and maintained thereafter.

Reason : In the interests of the amenities of nearby occupiers and to satisfy Policy SP20 of the Local Plan Strategy.

- 08 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements

a. The existing access shall be improved by alteration as shown on approved drawing no. 10837 - DB3 - S01 -- 00 - DR - A - 90003 and construction in accordance with the Specification shown on standard detail drawing no. E7/VAR.

b. Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.

c. Provision of tactile paving in accordance with the current Government guidance.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

#### HI-07 INFORMATIVE

You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

Reason: In accordance with Policy SP20 of the Local Plan Strategy and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience

- 09 Unless otherwise approved in writing by the Local Planning Authority, there shall 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) or other works until:

(i) The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority:

- a. Provision of tactile paving

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b. Provision of a pedestrian dropped crossing on both sides across Piercy End at an position to be agreed with the NYCC engineer on site but generally next the existing street lighting column outside the site / pedestrian access point through the proposed car park.

c. Provision of an advisory 'KEEP CLEAR' road marking on Piercy End outside the vehicular access point to Diag. 1026 (Traffic Signs & General Directions 2016).

(ii) An independent Stage 2 Road Safety Audit for the agreed off site highway works has been carried out in accordance with HD19/15 - Road Safety Audit or any superseding regulations and the recommendations of the Audit have been addressed in the proposed works.

(iii) A programme for the completion of the proposed works has been submitted to and approved writing by the Local Planning Authority in consultation with the Local Highway Authority.

Reason: In accordance with Policy SP20 of the Local Plan Strategy and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

10 Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number (9) above:

o Works as described in that condition.

Informative: There must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and the Highway Authority.

Reason: In accordance with Policy SP20 of the Local Plan Strategy and in the interests of the safety and convenience of highway users.

11 Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on Drawing Number 10837 - DB3-S01 - 00 - DR - A - 90003 for parking spaces (including cycle parking spaces), turning areas, manoeuvring areas and access shall be kept available for their intended purposes at all times.

Reason: In accordance with Policy SP20 of the Local Plan Strategy and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

12 No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase:

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- a. the parking of vehicles of site operatives and visitors
- b. loading and unloading of plant and materials
- c. storage of plant and materials used in constructing the development
- d. erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
- e. wheel washing facilities
- f. measures to control the emission of dust and dirt during construction
- g. a scheme for recycling/disposing of waste resulting from demolition and construction works
- h. HGV routing to avoid Kirkbymoorside Town Centre

Reason: In accordance with Policy SP20 of the Local Plan Strategy and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

- 13 Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

This shall include:

- a. the appointment of a travel co-ordinator
- b. a partnership approach to influence travel behaviour
- c. measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
- d. provision of up-to-date details of public transport services
- e. continual appraisal of travel patterns and measures provided through the travel plan
- f. improved safety for vulnerable road users
- g. a reduction in all vehicle trips and mileage
- h. a programme for the implementation of such measures and any proposed physical works
- i. procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

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j. include a Method Statement detailing the operation of the car valeting / storage facility at Kirby Mills Industrial Estate in connection with that element of the retained motor dealership currently occupying the application site in association with the other sections of the Travel Plan as detailed above.

The Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the Travel Plan.

Reason: In accordance with policy SP20 of the Local Plan Strategy and to establish measures to encourage more sustainable non-car modes of transport

- 14 The size of delivery vehicles to the proposed store shall be restricted to maximum 10 metre trailer length (14.25 metre articulated vehicle) unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to satisfy Policy SP20 of the Local Plan Strategy.

- 15 No vehicles associated with the operation of the car dealership on the opposite side of Piercy End (currently a Vauxhall Dealership) shall be parked on the application site.

Reason: To ensure the parking spaces are available for users of the supermarket hereby approved and in the interests of highway safety and to satisfy Policy SP20 of the Local Plan Strategy.

- 16 No construction works in the relevant area (s) of the site shall commence until measures to protect the public water supply infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. Furthermore, no trees shall be planted within 5 meters of the aforementioned water main

Reason: In the interest of public health and maintaining the public water supply and to satisfy Policy SP17 of the Local Plan Strategy

- 17 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage and to satisfy Policy SP17 of the Local Plan Strategy and NPPF.

- 18 Surface water run-off from hardstanding (equal to or greater than 800 square metres) and/or communal car parking area (s) of more than 49 spaces must pass through an oil , petrol and grit interceptor/separator of adequate design that has been submitted to and approved by the Local Planning Authority, prior to any discharge to an existing or prospectively adoptable sewer.

Reason: To prevent pollution of the aquatic environment and protect the public sewer network and to satisfy Policy SP17 of the LPS and NPPF.

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19 There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works , details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include , but not be exclusive to:-

a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical ;

b) evidence of existing positive drainage to public sewer and the current points of connection; and

c) the means of restricting the discharge to public sewer to the existing rate less a minimum

30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage and to satisfy Policy SP17 of the Local Plan Strategy and NPPF.

20 Prior to its first installation, precise details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect the visual amenity of the area and to satisfy Policy SP20 of the Local Plan Strategy.

21 Development shall not begin until an investigation and risk assessment of land contamination has been completed by competent persons and a report of the findings submitted to and approved in writing by the Local Planning Authority. This shall include an appropriate survey of the nature and extent of any contamination affecting the site, and an assessment of the potential risks to human health, controlled waters, property and ecological systems. Reports shall be prepared in accordance with Contaminated Land Report 11 and BS 10175 (2013) Code of practice for the investigation of Potentially Contaminated Sites.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors and to satisfy Policy SP17 of the Local Plan Strategy and NPPF.

22 Where land affected by contamination is found which poses risks identified as unacceptable, no development or remediation shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved in writing by the local planning authority. The scheme must include proposed remediation objectives and remediation criteria, an appraisal of remedial options and proposal of the preferred option(s), all works to be undertaken, and a description and programme of the works to be undertaken including the verification plan.

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Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors and to satisfy Policy SP17 of the Local Plan Strategy and NPPF.

- 23 Unless otherwise agreed in writing by the local planning authority, the approved development shall not be brought into use until the approved scheme of remediation has been completed, and a verification report demonstrating the effectiveness of the remediation carried out has been submitted to and approved in writing by the local planning authority. The verification report shall include a description of the works undertaken and a photographic record where appropriate, the results of any additional monitoring or sampling, evidence that any imported soil is from a suitable source, and copies of relevant waste documentation for any contaminated material removed from the site.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors and to satisfy Policy SP17 of the Local Plan Strategy and NPPF.

- 24 In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported immediately to the local planning authority, and work must cease until an appropriate investigation and risk assessment must be undertaken. Where remediation is necessary, a remediation scheme must be prepared by competent persons and submitted to the local planning authority for approval. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the local planning authority.

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

#### **INFORMATIVE(S)**

- 01 The applicant/developer is advised to contact the Highway Authority regarding 'keep clear' signs at the entrance to the site.
- 02 The applicant/developer is advised to consider the consultation response of Yorkshire Water regarding the location of a pipe that crosses the application site.
- 03 Notwithstanding the submitted plans, no Advertisement Consent for any signage or totem sign/display is granted by this application. A separate Advertisement Consent application is required.

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*Footnote :*

*In dealing with and determining this application, the Local Planning Authority have sought to take a positive approach to foster the delivery of sustainable development in accordance with the requirements of the National Planning Policy Framework. As such, the Local Authority has taken steps to work proactively with the applicant to seek solutions to problems that may have arisen in dealing with this application with a view to improving local economic, social and environmental conditions.*

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NO CONSENT OR APPROVAL HEREBY GIVEN REMOVES ANY REQUIREMENT TO SERVE NOTICES OR SEEK APPROVAL FROM THE DISTRICT COUNCIL WHERE SUCH ACTION IS REQUIRED BY THE BUILDING ACT 1984 OR OF ANY OTHER STATUTORY PROVISION. NO PART OF THE PROPOSED DEVELOPMENT SHOULD BE STARTED WITHOUT COMPLYING WITH SUCH REQUIREMENT.

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HEAD OF PLANNING

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