

Level Capital Projects Ltd

Land at Killingwoldgraves Lane, Beverley

Proposed drive thru coffee unit (Class E (A) Use) with Electric Vehicle Charging, Electricity Meter Kiosk, Access, Parking, Landscaping and associated works (full)

Planning and Retail Statement

(December 2021, v1)

Introduction

This Planning and Retail Statement addresses relevant planning considerations in respect of a proposed drive thru coffee unit, access, parking, EV charging, landscaping and associated works on land at Killingwoldgraves Lane, Beverley.

This Statement addresses the proposed development having regard to Development Plan policy and all other material considerations. It describes the site and its planning history, including its extant outline planning permission for mixed use development comprising employment units (B1(c) and/or B8) and petrol filling station with electric vehicle charging and ancillary shop, with associated infrastructure under reference 20/00541/OUT (noting access was not reserved).

It also describes the proposed development, its nature and form and goes on to set out Development Plan policy to explain how the proposals accord with policy. Notwithstanding the small-scale and road-side nature of the proposed use, the Statement also explains relevant retail planning policy, considers the potential for alternative sequential sites to accommodate the proposed development as well as giving a proportionate consideration to potential for retail impact.

Overall, the Statement positively endorses the planning merits of the proposed development, its conformity with planning policy and sustainability, noting;

- **The application seeks full planning permission and comprises a high quality drive thru coffee unit for this western side of Beverley.**
- **Although the site is located in the open countryside, the application site is previously developed land, has an extant permission for employment use and the proposals are an appropriate form of economic development which would provide positive social and economic benefits to the surrounding area.**
- **The proposals serve an identified need for roadside facilities, and will generate local employment opportunities within a site that benefits from a strong road side location and has outline planning permission for a mix of uses, including a petrol filling station, reflective of its location. The benefits of the scheme are considerable, particularly in terms of employment creation and economic development.**

- **The proposed development is relatively modest, but nonetheless important to the location and wider proposals here. It would not be of a scale which would have an adverse impact on Beverley Town Centre or shops and services in nearby settlements.**
- **The proposals are on a previously developed site, which has extant outline permission for a mix of uses including a petrol filling station and employment units. Those uses are still being brought forward by the Applicant on the wider site through Reserved Matters submissions in accordance with the outline planning permission, and this proposal is considered to compliment those approved uses by delivering an additional, and appropriate, roadside use here. Within that context, this proposal's impacts on the character and appearance of the area are modest.**
- **The proposals can be appropriately accessed from the highway utilising the access arrangement which has been approved through the outline planning permission covering the wider site, and includes provision for Electric Vehicles and bicycles also.**
- **The proposals raise no issues in respect of other planning considerations which cannot be addressed by normal planning conditions. This includes matters associated with landscaping, ecology, ground conditions, drainage and archaeology for example and in this context accord with policy in the Development Plan.**

Site Location

The application site is approximately 0.97 ha and is located to the west of Beverley on land strategically located southwest of the Killingwoldgraves Roundabout (junction of the A1079, A1174 and A1035) fronting Killingwoldgraves Lane. The site is located between the settlements of Beverley, to the east, and Bishop Burton to the west.

The application site comprises previously developed land with some hardstanding following the demolition and clearance of former buildings, and with some vegetation to the site boundaries. It forms the south eastern part of a wider site which benefits from outline planning permission for mixed use development comprising employment units (B1(c) and/or B8) and petrol filling station with electric vehicle charging and ancillary shop, with associated infrastructure (access not reserved). Reserved Matters for the petrol filling station and first phase of employment units, to the north and west of this application site respectively, have been submitted by the Applicant for determination under separate cover. The Reserved Matters for the petrol filling station have recently been allowed on appeal with costs under reference APP/E2001/W/21/3275091.

A 'Proposed Site Plan in Wider Context' has been submitted with this standalone full application for drive-thru coffee shop to demonstrate how the proposals here interact with the proposals being brought forward at the wider site.

The wider site also contains an existing bungalow and its curtilage with current access off Killingwoldgraves Lane. Immediately north of the wider site lies a farmhouse and working farm with dwellings. To the west is an agricultural field and to the south there are three large agricultural type buildings. More widely, the area comprises multiple parcels of agricultural fields and working farms but all on the outskirts of Beverley and in proximity to the outer by-pass at Killingwoldgraves roundabout.

Site History

The application site forms part of a wider site that was previously occupied by Techno Developments until a fire forced the company to relocate elsewhere in the local area. Since this time the factory and other associated buildings on the wider site have been demolished and has been largely vacant since. Part of the wider site comprises an existing bungalow and its associated curtilage. This will also be demolished as part of the wider site proposals as described above. The application site forms the south eastern corner of the wider site and fronts Killingwoldgraves Lane.

The wider site has an extensive planning history dating back to 1998 but the most recent and relevant application approvals are outlined below:

Reference	Description	Status	Decision Date
20/03917/REM	RESERVED MATTERS APPROVAL - Erection of a petrol filling station and ancillary shop, electric vehicle charging and associated parking areas and landscaping	Allowed at Appeal	14/12/2021
20/00541/OUT	OUTLINE - Mixed use development comprising employment units (B1(c) and/or B8) and petrol filling station with electric vehicle charging and ancillary shop, with associated infrastructure (access not reserved)	Approved	06/07/2020
17/02645/STPLF	Erection of a building for Business (B1), General Industry (B2) and Storage/Distribution (B8) uses and erection of boundary fence (Resubmission of application 17/00561/STPLF)	Approved	27/10/2017

The extant planning permission (20/00541/OUT) remains available to implement and from the Officer's Report to Planning Committee in considering that application (noteworthy in the same Development Plan context), it can be noted that;

- The planning permission includes for employment buildings (with around 2,400 sq.m illustratively shown), albeit noting there is no floor space restriction provided as part of the planning permission and that the previous factory building(s) on site amounted to circa 4,000 sq.m with much of the industrial part of the site having been previously occupied by buildings prior to their removal following fire damage
- Access into the site from Killingwoldgraves Lane has been approved (and this proposal for a drive thru coffee unit will utilise that approved access). *It is also noteworthy that the internal site road which provides access within the wider site into the proposed drive thru coffee unit site has also been approved as part of the Reserved Matters for petrol filling station (allowed at appeal).*
- The outline planning permission is for a petrol filling station and employment units within classes B1c and B8, but was not personal to any occupier

- Policy EC4 of the East Riding Local Plan Strategy Document (ERLP SD) seeks to enhance sustainable transport options and the provision of electric vehicle charging was confirmed to be in line with Part A2 of the policy
- There was no objection from Public Protection or Land Contamination subject to standard conditions requiring a Construction Environmental Management Plan (CEMP) and suitable ground investigation measures to deal with any identified contamination should it be found
- No objection from Yorkshire Water, with the proposals to connect to a private septic tank and surface water to soakaway – which will accommodate the redevelopment of the entire wider outline application site
- No objection from the Environment Agency, or Local Lead Flood Authority in respect of drainage, subject to standard conditions
- Confirmation that the site is of limited ecological value and no objection to its development was received from the Nature Conservation Officer subject to securing biodiversity gains by condition
- No archaeology implications of the proposed development, subject to standard conditions and noting the site is previously developed land
- No objection from the Council's Conservation Officer in respect of any potential impact upon the setting of the Grade II listed building at Killingwoldgraves Farm, subject to landscape screening to the north of the wider site (i.e. outside of this standalone application site)
- The site is regarded as a countryside location in Policy S4 of the East Riding Local Plan Strategy Document. Policy S4 encourages the re-use of previously developed land including for employment uses which comply with Policy EC1
- Part C of Policy S4 identifies a number of different proposals that would be supported in the countryside including community facilities and employment uses in accordance with Policy EC1. The petrol filling station element of the proposal was considered as constituting a community facility which would also be supported through Policy S4 and Policy C2 of the ERLP SD
- Policy EC1 D part 4 sets out that outside of development limits employment development will be supported where it is of an appropriate scale to its location and respects the character of the surrounding landscape. Proposals should (inter alia) have a functional need to be in the particular location which cannot be met on either a nearby allocation, or on a site which satisfies any of its other listed criteria
- ERLP SD Policy EC3 Part J states that small scale retail proposals in out-of-town locations (above 100 sq.m gross floorspace) will be required to demonstrate compliance with the Sequential Approach where they do not serve a purely localised need

- There is no definition for 'localised need' provided in the National Planning Policy Framework (NPPF) or Local Plan, therefore it is useful to consider existing provision in the area
- Policy S8 Part E of the ERLP SD supports roadside facilities essential to support the safety and welfare of motorists where they are of an appropriate scale and meet an identified need. Such roadside facilities include those that provide food and drink as set out in paragraph 5.56 of the supporting text
- The nature of the (PFS) proposal (in that instance) was considered to have specific locational requirements and should be located on a suitable transport route, such as the site's location
- Confirmation of the proposal's compliance with policies ENV1 and ENV2, with the proposed development on this previously developed site and location seen to be acceptable in design and visual impact terms, with opportunities for effective landscape planting available
- Acceptability of the proposals from an amenity perspective. The site does not currently contribute in any positive way to the visual amenity of the area
- Overall acceptability from a planning policy perspective with the proposal positively re-using previously developed land, with no significant effect upon the appearance of the area, amenity of properties nearby, acceptable highway access, safety, drainage biodiversity, drainage and visual impact.

Each of the above are all factors which remain of relevance to this standalone full planning application for an another roadside use and should again be endorsed for consistency in planning decision making.

Development Proposals

The proposals seek to develop a drive thru coffee unit (use class E (A)) with access, parking, EV charging, landscaping and associated works.

The application is submitted in full with all details submitted for approval (or to be submitted to discharge suitably worded, and standard, planning conditions where necessary). A proposed Site Plan and detailed floor plans and elevations are submitted for the proposed drive thru coffee unit to demonstrate how the proposed use at this scale can be readily accommodated on site. In addition, a proposed 'Site Plan In Context' is submitted to demonstrate how the proposed drive thru coffee unit will readily form part of the wider site's redevelopment, noting the remainder of the site is being brought forward in line with the outline planning permission covering the wider site (reference 20/00541/OUT). This plan shows the proposed drive thru coffee unit located to the south eastern corner of the wider site which has outline planning permission for mixed development comprising a petrol filling station and employment units (within use classes B1c and B8).

Reserved Matters submissions for the petrol filling station (to the north of this application site) have been approved and an initial employment phase (to the west of this application site) has been submitted for Reserved Matters approval under separate cover and within the parameters of the outline permission.

The petrol filling station element of the wider approved development was allowed at appeal (under reference APP/E2001/W/21/3275091), and this includes the internal service road which will provide access into the drive thru coffee site.

The proposals here comprise a drive thru coffee shop with Gross Internal Area (GIA) of 171.78 sq.m and external yard of 31.08 sq.m. Externally, the proposed drive thru route will circulate around the rear of the building with parking for 26 vehicles to the front of the building, including 2 disabled spaces, 2 EV charging spaces and three larger vehicle spaces, set within a landscaped boundary and accessed from Killingwoldgraves Lane. In this regard, the proposed drive thru coffee unit will utilise the access approved through the outline planning permission, which includes a ghost island right hand turn with minor road widening within the highway verge; and the site road approved through the petrol filling station Reserved Matters. Ultimately, the proposal reflects the road-side location of the site and aims to serve predominantly motorist needs and compliments the uses approved through the outline planning permission covering the wider site.

That said, pedestrian access is also provided from Killingwoldgraves Lane and within the wider site generally, and provision for four bicycles is also shown noting the proposed development is within a reasonable cycle ride (up to 8km or 25 minutes) of the entire built-up areas of Beverley, Bishop Burton, Cherry Burton and Walkington (as demonstrated in the submitted Transport Assessment). The Transport Assessment also demonstrates that the nearest bus stops to the proposals are located on both sides of the A1079 to the west of Killingwoldgraves Roundabout, within 200m walk of the site access and 400m walk of all parts of the application site. In conclusion, the Transport Assessment demonstrates that appropriate opportunities to promote sustainable transport modes have been taken up, commensurate with the type of development proposed and its location.

As part of the scheme, landscaping works are also proposed around the site's boundary, and these are demonstrated indicatively through the submitted Site Plan. It is anticipated that full details will be submitted and approved through discharging a standard suitably worded planning condition in this regard. The submitted Arboricultural Statement confirms the proposals will require removal of six trees within the east of the application site but also highlights the opportunity for replanting of six new semi mature trees (25cm girth) along the frontage hedge to provide additional tree planting along the site's frontage. These trees could also be alternative native species which would not be susceptible to ash dieback disease (as those being removed are). Shrub planting could also be undertaken to further reinforce the frontage hedge. Details will be provided as part of the future landscaping scheme, which will also demonstrate how the proposals will deliver a net gain in biodiversity.

The proposals also include a small electric meter kiosk, proposed to the north east of the application site. Details are submitted within drawing 'Electric Meter Kiosk ET6 Type' (Ref. 1781 35).

The site already has outline permission for B1c and B8 employment buildings and a petrol filling station, with ancillary retail, reflective of the site's road-side location. This proposal for a drive thru coffee unit provides an additional, complimentary use which remains in keeping with the road-side character of the site and of the uses benefitting from outline planning permission.

Planning Policy

National Planning Policy Framework (July 2021)

The National Planning Policy Framework (NPPF) sets out the Government's approach to planning and is material to the determination of planning applications. The Framework advises that all planning applications should seek to achieve sustainable development and has, as one of its key themes, a presumption in favour of sustainable development.

Of principle relevance to this application, Chapter 6 of the NPPF sets out national policy with regard to economic development and employment, including specifically as part of a rural economy. It

generally seeks to ensure that planning decisions safeguard the prosperity of businesses. Paragraph 81 for example states that *'planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development...'* Paragraph 83 sets out that *'Planning policies and decisions should recognise and address the specific locational requirements of different sectors.'* The NPPF's clear direction is that planning applications which help businesses to flourish, and employment to be generated, should be supported. The proposals accord with these policy aims.

Additionally, Paragraph 84 is concerned with growth in rural areas and advises that planning policies and decisions should enable *'the retention and development of accessible local services and community facilities, such as local shops...'* Here the NPPF encourages community facilities to be preserved and allowed in rural areas, again reflective of these proposals.

Paragraph 85 emphasises that in rural areas in particular, *'the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.'* The application site is previously developed land and is well-related to Beverley and surrounding settlements. However, it is predominantly a road-side location and it is this that has influenced the proposals.

Chapter 7 of the NPPF is concerned with ensuring the vitality of town centres by supporting retail development being allowed, and planning permission granted, in appropriate locations. Paragraph 88 sets out that *'when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and the local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.'*

Paragraph 89 advises that *'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).'* Here the NPPF seeks to protect existing retail units within established centres by ensuring that any new retail proposals outside of these locations are proposed to be located in suitable locations. These are aspects discussed later in this Statement, but the proposals raise no conflict with the aims of policy when fairly considered.

East Riding Local Plan

The East Riding Local Plan is made up of the following documents relevant to this application:

- The Strategy Document (adopted in 2016)
- The Allocations Document (adopted in 2016)

These documents provide a comprehensive vision to help guide growth and development in the district until 2029. The interactive policies map confirms that the site is located within the Countryside and has no site-specific allocation for development.

The relevant policies from the **Strategy Document (2016)** are summarised below:

Policy S1 'Presumption in favour of sustainable development' advises that the Council will look positively upon proposals which reflect sustainable development principles as well as working alongside applicants to help make proposals more sustainable to ensure that it improves the

economic, social and environmental conditions of the district. The proposals can be seen to be sustainable development when assessed overall, contributing to the economic dimension of sustainable development with new jobs and investment; to the social dimension with a needed facility for the community; and to the environmental dimension focusing development on previously developed land, with minimal landscape impact and opportunities for additional landscaping and biodiversity gains.

Policy S4 'Supporting development in Villages and the Countryside' states that proposals located outside of the settlements listed in policy S3 will be supported to maintain the vibrancy of villages and countryside when the proposal is of an appropriate scale, re-uses previously developed land and does not cause a significant loss in the best agricultural land. The proposals can be seen to accord with this policy. They do not result in any loss of farmland/agricultural land. Part C of the policy identifies a number of different proposals that would be supported in the countryside, including community facilities and the proposals would constitute such a use. It also includes employment uses such as these proposals which comply with Policy EC1 (see below).

Policy S7 'Delivering retail development' explains that the determination of retail applications will be based on the network and hierarchy of centres and whilst the proposals are located outside of Beverley Town Centre, and therefore classed as out of town, the supporting text of Policy S7 states that retail development will be managed through Policies EC3 and C2 (see below).

Policy S8 'Connecting people and places' Part E states that roadside facilities which are essential to support the safety and welfare of motorists will be supported when they are of an appropriate scale and meet an identified need. Such roadside facilities include those that provide for food and drink as set out in paragraph 5.56 of the supporting text, which very much aligns with the nature of the proposed drive thru coffee unit proposed in this application. The proposals are of an appropriate scale in line with policy expectations here. The landscape and highway arrangements raise no planning concerns and the proposals set out to utilise the access approved through outline planning permission (ref. 20/00541/OUT) and internal service roads as approved through Reserved Matters for the petrol filling station (allowed at appeal ref. APP/E2001/W/21/3275091). There is also a strong need for this facility on this western side of Beverley, where there are no other drive thru food and drink facilities. Given this site's location just off a strategic roundabout junction on the Beverley by-pass, the need is self-evident and supports the approved petrol filling station use at this site which was also considered to be an appropriate road-side use in this particular location.

Policy EC1 'Supporting the growth and diversification of the East Riding economy' is concerned with strengthening and encouraging economic and employment development in the District and sets out to support proposals which are of an appropriate size and scale in a suitable location and that respects the surrounding landscape character. At point 4 of its criteria D, the Policy sets out its support for proposals that have a functional need to be in the particular location, which cannot be met on either a nearby allocation, or on a site which satisfies any of its other listed criteria. This site adheres to the aims of the policy, with the site already considered to be appropriate for non-traditional employment use (but nonetheless employment generating use) with its extant planning permission comprising a petrol filling station element, recognising the employment benefits associated with that use also. In this case, a drive thru coffee unit could employ between 20 and 30 people. The proposals here merely seek to align with its longstanding employment generating use(s), but also supports the re-use of previously developed land and reflects the site's roadside location.

Policy EC3 'Supporting the vitality and viability of centres' states that retail proposals which are not in line with an allocation will be required to assess the impact of the development where they comprise

more than 100 sqm (gross) floorspace in countryside locations, albeit for out of town locations the threshold is 500sq.m (gross) - noting the site is on the outskirts of Beverley which is the principal town in the District and whose Town Centre is defined in the Plan. Moreover, the policy advises that when development does not purely serve localised needs it will be required to demonstrate compliance with the Sequential Test. This retail impact aspect of the Plan is addressed later in this Statement, albeit the net trading area of the proposals are significantly below the 'out of town' threshold reflective of its location on the outskirts of Beverley and may well only just exceed the lower 'countryside' threshold, and the nature of the proposed retail use is very much reliant on a road-side location in any event.

Policy EC4 'Enhancing sustainable transport' outlines the Council's aim of increasing the accessibility of new developments whilst also minimising congestion and improving safety. The policy goes on to advise that development proposals should produce and agree a transport assessment and travel plan. Nothing in the proposals here conflict with the aims of Policy EC4, moreover the scheme is supported by travel initiatives and the application is supported by a Transport Assessment prepared by LTP – in accordance with this Policy.

Policy ENV1 'Integrating high quality design' seeks to ensure to development proposals achieve high quality design that respects the character and appearance of the surrounding area. The policy also lists 15 different ways that high quality design could be achieved including having an adaptable layout, incorporating a mixture of uses and having regard to the wider context of the site. The proposals can be seen to make positive use of this part of a currently degraded previously developed site, with quality buildings set within an appropriate landscaped context, and complimenting the wider proposals being brought forward by the Applicant in line with outline planning permission (ref. 20/00541/OUT).

Policy ENV2 'Promoting a high-quality landscape' states that developments should be sympathetically integrated into the existing landscape whilst protecting the character and identity of the wider area, whilst also seeking to protect and enhance existing landscape features. Again, as a previously developed site which doesn't currently contribute in any positive way to the visual amenity of the area, and given the site's extant planning permission for mixed uses, the proposals here raise minimal impacts for the local landscape – the site is well contained from the highway and with additional planting could assimilate more positively into the area.

Policy ENV3 'Valuing our heritage' advises that where possible heritage assets should be utilised to create a sense of place and reinforce local distinctiveness. The Policy states that proposals should not encroach upon the setting, character, views and appearance of designated and non-designated assets. The proposals raise no conflict with this Policy. The outline planning permission covering the wider site recognised the Grade II Listed Killingwoldgraves Farm and set out to move the northernmost development away from the asset, such to preserve its setting. In this case, the proposal is in the south eastern corner of the wider site, furthest from and not impacting, the Asset. Archaeology implications here are low given the site has been previously developed, and again this was recognised as part of the outline application, with a suitable planning condition addressing the limited potential for archaeology.

Policy C2 'Supporting community services and facilities' seeks to improve and maintain a range of services throughout the District. Proposals which provide a new service or facility will be supported. Again, as with the approved petrol filling station, the proposed coffee unit can be considered as a community facility of the type envisaged under this Policy.

Retail Statement and Sequential Assessment

The Framework seeks to ensure that planning policies support the vitality of town centres; given the site's location outside of a defined centre, it therefore falls to consider sequential and impact tests which are set out in the Framework, notably its paragraphs 87 to 91. Inter alia, these aspects of the Framework seek to locate town centre uses within defined centres, require an assessment of impact where thresholds nationally or locally set are breached and to apply a sequential approach, noting some flexibility to be applied on format and scale of proposals. Development Plan policy is generally consistent with the Framework in this regard, albeit the Local Plan's threshold where retail impact assessment is required as set out in Policy EC3 is just 100 sq.m (in rural areas) and 500 sq.m (outside of Beverley) compared to the national threshold of 2,500 sq.m as set out in NPPF paragraph 90.

At the outset however it is worth noting the following as important context;

- The nature of the scheme here is small and modest. The building proposed is just 171.78 sq.m (GIA) albeit the net trading area will be significantly lower than this. Notwithstanding the site is in the outskirts of Beverley, a town, where the threshold for retail impact assessment is 500 sq.m, the trading area here is not anticipated to exceed the lower 'countryside' threshold for assessment of 100 sq.m, and if it does it will only be marginally over. Ultimately, the proposed development is not of a scale to result in any adverse impact on any existing defined centres (notably Beverley).
- The coffee unit is primarily focused upon the motorist and not proposed to be a destination in its own right. Given the specifics of the use proposed (i.e. a drive thru coffee shop), it is clear that the proposed unit will primarily draw trade from passing motorists. It is unlikely in the extreme that individuals will alter their shopping patterns to show preference for the unit as opposed to existing options within the Town Centre, or nearby villages, which are more reliant on pass-by trade from pedestrians. The appeal decisions highlighted below support this position.
- Whilst Case Law is well known in the application of the sequential test, the important factor is that alternative sites considered must be suitable for the proposed development and it is not a matter of either disaggregating or amending the proposals as set out – the proposed drive thru element is important in this context. Indeed, the PPG advises (of some relevance here) that the use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean they may only be accommodated in specific locations. This is clearly the case here if the identified need is to be addressed. A drive thru use must be located on a heavily trafficked road(s) in order to comprise a long-term viable enterprise.
- The nature and consideration of alternative sites and impact has to be proportionate to the nature and scale of these proposals, which as set out above are very modest in this instance. Indeed, there is a strong case to suggest that given the nature and scale of the proposed drive thru coffee unit, a retail assessment is not required, but in any event is set out here without prejudice to this view.
- Furthermore, similar sequential and impact assessments were undertaken and assessed by the Council in respect of the approved Petrol Filling Station forming part of the outline permission granted at this application site under reference 20/00541/OUT. The conclusion of

Officers, including Forward Planning officers, was that there were no available alternative sequentially preferable sites for the proposed retail element of that development and predicted impact was considered not to adversely affect Beverley Town Centre or other shops in nearby villages. That was also a conclusion for another nearby petrol filling station proposal in November 2019, and remains valid for this application proposal also.

- Given the scale and format of the proposed development, it is clear that approving the proposals here would not undermine the Council's strategies and proposals for regenerating its centres. This is supported through the conclusions drawn in the Appeal decisions referred to below:
 - Appeal Case -APP/Q0830/A/05/1182303 - discusses the suitability of drive thru facilities within City Centre locations. In his concluding comments, the Inspector confirmed *"It is difficult to envisage how a developer could be flexible in respect of the format of a drive thru restaurant. Unlike a conventional restaurant, which could be easily accommodated on any of the identified sites, a drive thru, by definition, requires vehicular access and circulation through and around the building."*
 - Appeal Case –APP/Q1255/A/08/2061585 - reinforces the findings of the above Appeal in respect of the limited flexibility which can be shown by drive thru operations as part of a sequential assessment.
 - Appeal Case - APP/C3105/W/16/3151655 – confirms drive thru developments as a roadside facility *"Given that the purpose of this development is to provide roadside facilities for motorists on the A43, which by definition is unlikely to be within a town centre, I consider the sequential test to be of little relevance to this appeal and this was confirmed by the Council at the hearing. Furthermore, the Council's statement notes that disputing whether or not there are alternative sites available will not be beneficial to either party. The Council also confirmed at the hearing that the question of alternative sites does not arise in this case, as there are none under consideration."*
- It is clear that there is a difference between a typical town centre operation and a roadside operation such as a drive thru (which is proposed here). Consequently, it is considered that neither the vitality and viability of the Town Centre, nor the aims of the Council in regenerating centres, will be compromised as a result of the proposed development given its fundamentally separate characteristics to those provided within the Town Centre and evidenced type of users; and particularly so given the limited scale of the proposed development in this instance.

The above is taken into account in the paragraphs below which set out firstly a proportionate understanding of impact and secondly a sequential consideration of other sites.

Impact

The turnover of Beverley Town Centre is high (around £56.8M in 2017¹). This is despite significant additional spend at already out of town locations such as Aldi and Morrisons in Beverley. The impact

¹ Assessment in respect of a proposed discount foodstore under reference 18/01746/STPLF, endorsed by the Council's retail consultants in the reviewing the application.

of this proposal's turnover is very small in this context, noting that not all of the expenditure will be in any way diverted from Beverley given the nature of the roadside use proposed.

The potential for impact to adversely affect Beverley is very low but is further minimised because the Town Centre shows strong signs of vibrancy with low vacancy rates and other healthy indicators including successful retail led regeneration. There is also very limited potential for impact on other local shops and services which cater predominantly for top up shopping for villagers and do not compete with a roadside facility. This includes for example local village stores at Bishops Burton, Walkington and Cherry Burton, which in any event are around 2 miles from the site, but there are no coffee shops of the type proposed within those villages to which this facility will compete for custom, and again notwithstanding the drive thru, or roadside, use being proposed.

Sequential Approach and Test

It is the applicant's strong view that the sequential test here is somewhat misplaced for this development. The nature of the proposal is for a roadside development meeting a need for such a facility on this western side of Beverley. Delivery of the development in an alternative, even sequentially preferable, location would remove its ability to meet the identified need. It is also not possible to disaggregate the need; the proposal is for a drive thru coffee shop. It would also provide a convenient facility for the proposed employment element of the proposed development, with easy walking access provided within the wider site as demonstrated through the Reserved Matters submissions to date.

That said, and noting other sequential sites which were assessed as part of the proposed Petrol Filling Station to the north in November 2019 and again in June 2020 in determining the outline proposals at this wider site, there is nothing in the interim period which has changed the same conclusion that there are no sequentially preferable sites suitable to accommodate this proposed development.

For example:

Flemingate – the site was granted permission in 2009 and allows for a component of convenience retail but was built and occupied when the 2019 and 2020 proposals were considered; and remains so now.

Mixed Use Allocation Lord Roberts Road – allocated for mixed use comparison retail and housing development, but the proposals here are not in accord with the allocation and it remains part in use. Conservation issues including listed buildings would not make this a suitable location for this development.

Other sites which include retail components in the Plan are not in sequentially preferable locations and would also be out of centre including expected retail components of the Beverley South allocations or say land at Grovehill Road.

There are no sites allocated for retail or available for retail within the villages of Bishops Burton, Cherry Burton or Walkington and none which could accommodate the proposed development, or the type of development, proposed.

Planning Assessment and Summary Planning Considerations and Balance

There is a clear direction within the Framework that Local Planning Authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. Local Planning Authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development wherever possible. Local Planning

Authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

The previous sections of this Statement have set out details about the site and the proposed development, and of the planning policy context provided within the Development Plan and the Framework. The proposals can be seen to accord with Development Plan policy and should be granted permission in line with provisions of the Framework without delay. There are no material considerations which would suggest any decision other than in line with the Development Plan and the planning balance here is firmly in favour of granting planning permission.

More generally however it can principally be noted;

Economy, Jobs and Community Facilities

Policy EC1 of the Strategic Document (2016) seeks to strengthen and support local employment (and economic development more generally) in the area with support given to proposals which are in a suitable location and are of an appropriate size and scale. Additionally, Policy C2 seeks to ensure that a wide variety of community uses are available to local people, advising that applications proposing new community facilities will be supported by the Council.

This proposal is in direct compliance with both Policy EC1 and Policy C2 as the proposals will provide social and economic benefits for the wider community, in addition to providing a much needed community facility by serving an identified need for a roadside facility in the area.

Moreover, the wider site will also produce a number of part time and full time jobs for local people, and specifically here between 20 and 30 FTE jobs could be created by the proposed drive thru coffee unit. It is economic development in the wider sense as supported by national policy and requires a particular location as supported by local policy (EC1).

Overall, this proposal will deliver socially and economically sustainable growth to the local area by providing a number of job opportunities for local people as well as providing a community service which has been highlighted as needed throughout another similar application within the immediate vicinity.

Amenity, Landscape and Design

The Proposals Map indicates that the site is located within the countryside and in a high quality wider landscape area, albeit the site itself is previously developed and has been found to contribute very little to the surrounding countryside and amenity of the area. That said, proposals in this area should assimilate well with the existing landscape character in accordance with Policy ENV2 of the Strategy Document (2016). Moreover, Policy S4 advises that proposals outside of the settlement boundary, in the countryside, will be supported when they are located on previously developed land and are of an appropriate scale.

The site comprises previously developed land - satisfying Policy S4. The site is currently degraded previous developed land and the proposals will make positive use of the site with a high quality design in a landscape setting, making use of existing and proposed landscaping.

The proposed development is of an appropriate size, scale and mass for the surrounding area whilst also ensuring that the design and scale is appropriate for the proposed use as well as not negatively affecting the high quality landscape of the surrounding (wider) area, again noting the site's limited contribution to that landscape.

Biodiversity and Ecology

Surveys undertaken to support the recent outline planning permission covering the site (and the wider outline site) indicate that the site provides limited ecological value and that any potential impact on habitats and species can be adequately and appropriately mitigated for by the development, and this can be confirmed through discharging a suitably worded (and standard) planning condition requiring updated surveys prior to development commencing.

Moreover, as part of the development, ecological enhancements can be achieved which include, but are not limited to, tree planting and soft landscaping at various locations throughout the site which will in fact improve the biodiversity of the site in comparison to its current state. Precise details, shown through a detailed landscaping scheme, can be confirmed through discharging a suitably worded (and standard) planning condition.

Archaeology and Built Heritage

The Grade II listed Farmhouse to the north of the site has no visual or association link to the application site, particularly when the wider site with outline planning permission is considered. Policy ENV3 seeks to protect the setting, character or views of the listed building. This proposal will not impact the listed building as the site is screened from view with the dense vegetation that currently surrounds the listed building in addition to the vegetation proposed on site, and through the wider site's redevelopment proposals.

In respect of archaeology, whilst the site lies within a landscape containing heritage assets from the prehistoric Romano-British medieval and post medieval periods it has been previously developed. There could be some potential for groundworks to reveal archaeological assets but an archaeological condition was attached to planning permission 20/00541/OUT and this approach is considered appropriate for this standalone application also.

Residential Amenity

The proposed development is located adjacent to the highway (Killingwoldsgrave Lane) to the south east of the wider site, furthest away from any residential properties, with extensive screening and planting in between as existing. Further boundary treatment will be enhanced in delivering the outline proposals. In this context the proposals are not expected to negatively impact local residents and measures will be taken to ensure that the amenity of the local residents is preserved and maintained where necessary.

Flood Risk

The site is located within Flood Risk Zone 1 indicating that the site has the lowest probability of flooding. The application site is also less than 1ha meaning a Flood Risk Assessment is not required as part of this application. That said, surface water will be managed and drainage for foul to an on-site treatment plant being delivered as part of the outline proposals for the wider site. The approach is consistent with that found acceptable at this site previously, including in determining the recent outline permission (ref. 20/00541/OUT).

Traffic and Transport

A Transport Assessment has been submitted as part of this application which addresses traffic and travel implications of the proposals. The scheme provides for safe access and egress with the proposals utilising the access from the highway which has been approved as part of the recent outline permission (ref. 20/00541/OUT) and internal service roads approved as Reserved Matters for the

petrol filling station element of the approved development (allowed at appeal ref. APP/E2001/W/21/3275091). The Transport Assessment also recognises the need for travel planning arrangements and, notwithstanding the 'road side use' proposed, confirms access to bus stops and public transport as well as opportunities for cycling and walking. The scheme does not conflict with transport planning policy.

Conclusions

The planning merits of the proposed development are considerable. The proposals can be seen to align with planning policy and are sustainable, noting;

- **The application seeks full planning permission and comprises a high quality drive thru coffee unit for this western side of Beverley.**
- **Although the site is located in the open countryside, the application site is previously developed land and the proposals are an appropriate form of economic development which would provide positive social and economic benefits to the surrounding area.**
- **The proposals serve an identified need for roadside facilities, and will generate local employment opportunities within a site that benefits from a strong road side location and has outline planning permission for a mix of uses, including a petrol filling station, reflective of its location. The benefits of the scheme are considerable, particularly in terms of employment creation and economic development.**
- **The proposed development is relatively modest, but nonetheless important to the location and wider proposals here. It would not be of a scale which would have an adverse impact on Beverley Town Centre or shops and services in nearby settlements.**
- **The proposals are on a previously developed site, which has extant outline permission for a mix of uses including a petrol filling station and employment units. Those uses are still being brought forward by the Applicant on the wider site through Reserved Matters submissions in accordance with the outline planning permission, and this proposal is considered to compliment those approved uses by delivering an additional, and appropriate, roadside use here. Within that context, this proposal's impacts on the character and appearance of the area are modest.**
- **The proposals can be appropriately accessed from the highway utilising the access arrangement which has been approved through the outline planning permission covering the wider site, and includes provision for Electric Vehicles and bicycles also.**
- **The proposals raise no issues in respect of other planning considerations which cannot be addressed by normal planning conditions. This includes matters associated with landscaping, ecology, ground conditions, drainage and archaeology for example and in this context accord with policy in the Development Plan.**

In this context, and in accordance with the NPPF's presumption in favour of sustainable development, the proposals should be approved without delay.