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Our Ref: RJ

22nd August 2019

Tim Williams
East Riding of Yorkshire Council
Planning Department
County Hall
Beverley
East Riding of Yorkshire Council
HU17 9BA

Dear Tim,

RE: 19/01217/PLF – ERECTION OF PETROL FILLING STATION, LAND NORTH EAST OF KILLINGWOLDS RDBT, BISHOP BURTON

Please accept this letter as our formal response to the objection of Bishop Burton Parish Council to our above planning application. Following a review of all of the consultation responses, we consider the Parish Council objection to the application to cover the majority of concerns and objection raised. Therefore in producing this letter we hope to cover the majority of points raised in the consultation period. Please see below our response to each of the points raised by the parish council.

Location

The application is supported by a number of technical documents completed by qualified professionals in their field. They cover a wide range of matters relevant to the location of the site and its constraints, including landscape, ecology and heritage matters.

The supporting technical reports demonstrate the acceptability of the proposal in respect of the application which has received no objections from technical consultees including Nature Conservation (Biodiversity), Natural England, Humber Archaeology Partnership, and Public Protection.

The Parish Council highlight that in the local plan, the area is not designated for development. This is not contended; the application site is not designated for development. Nevertheless, planning policy support does exist in the Local Plan Strategy for certain forms of development in countryside locations. Indeed, Policy S4 provides support for certain forms of development in villages and the countryside. Policy EC1 also provides support for economic development in the countryside. This policy is discussed in greater detail later in this response and with the Planning and Retail Statement supporting the application.

The Parish Council raise concerns to the compliance of the development with Policy ENV1, ENV2 and ENV3 of the Local Plan Strategy relating to high quality design, landscape impacts and heritage.

On the design of the development, relating to ENV1, the scale and massing of the development reflects the operational requirements of a petrol filling station. The design makes use of a variety of materials, cladding



and colours in order to break up the appearance of key elevations and soften any perception of mass. Overall, the design and appearance of the development is high quality and is considered to be appropriate to a development of this nature.

With respect to ENV2, it is highlighted that the LVIA submitted in support of the application demonstrates the acceptability of the development in terms of the landscape setting and characteristics. The response to the Parish Council's concerns surrounding the landscape impacts of the development are discussed in greater detail later in this correspondence.

Finally, on ENV3, the impact of the development on the setting of the nearby heritage assets has also been carefully considered and deemed to be acceptable.

It is important to note that on a number of these issues, there is an element of planning balance to be had. Whilst raising these concerns, the Parish Council has not given weight to the benefits of the proposals and assessed these against any harm that might occur. Our view is that the principle of development is acceptable in its own right, but if any harm was considered to occur, it is strongly believed the benefits clearly and demonstrably outweighs the harm.

Development in villages and the countryside

In consideration of the principal of development in the Countryside, the Parish Council make reference to Policies S4, EC1, EC2 and EC3. Firstly, it is uncertain why the Parish Council has made reference to EC2 as this is not relevant to the proposals or assessed in the Planning Statement. In response to the Parish Council concerns surrounding the development in the Countryside the following comments are made.

Section 8 of the Planning and Retail Statement submitted in support of the Planning Application addresses the principle of development in the open countryside. This considers and assessed the development against the relevant policies of the East Riding Local Plan Strategy, including:

- Policy S4 – Supporting Development in Villages and the Countryside
- Policy S8 – Transportation and Connectivity
- Policy EC3 – Vitality and Viability of Centre's
- Policy C2 – Supporting Community Services and Facilities
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Policy S4 – Supporting Development in Villages and the Countryside

Paragraph C of Policy S4 lists and identifies the forms of the development that would be supported in the open countryside. This includes:

- Employment uses in accordance with Policy EC1
- Sports, equine, recreation, community facilities and tourism development.

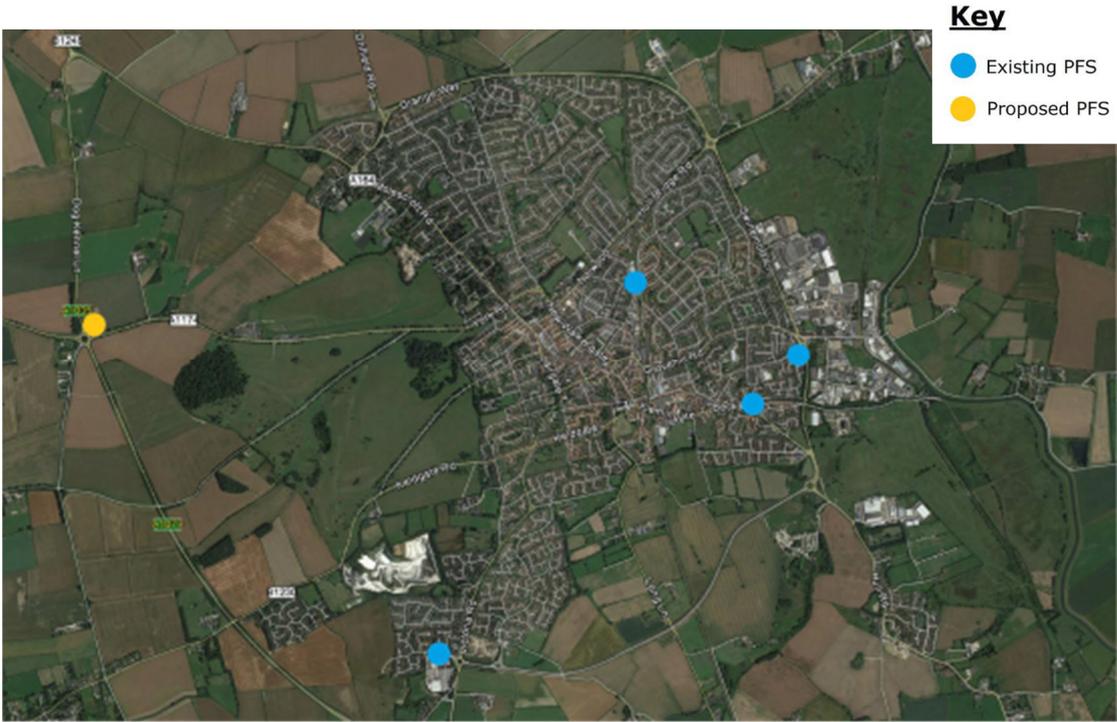
The Parish Council do not consider the development meets the required criteria within Policy S4 or is it a form of development supported by Part C. Firstly, the applicant disagrees with this conclusion. As demonstrated in the Planning and Retail Statement however, it will be noted that the list is not exhaustive and other forms of development could also be supported in the open countryside. Indeed, the supporting text to the Policy S4 (para 4.48) states that *"Proposals for economic development that support the rural economy will be assessed alongside Policies EC1, EC2 and EC3."* It is clear that the proposed development sits within Policy EC3. However, as demonstrated in the supporting statement, it is our view that the proposed petrol filling station is also an employment use which is in accordance with Policy EC1. In this case, we believe

that the nature of the development and the employment opportunities it creates for the local community result in 30 full-time equivalent (FTE) jobs, means that the proposals can be considered to be an employment use as defined by Policy EC1.

Further, and separate to the economic considerations, Paragraph 9.12 of the adopted Local Plan Strategy, subtext to Policy C2, highlights that rural petrol stations are a local community facility. The proposal seeks planning permission for the erection of a petrol filling station with ancillary convenience store which would create improved local choice and provide products and services for those people driving in the local area. Given the definition in the Local Plan Strategy of rural petrol stations being a community facility, it is clear that this is a form of development supported by Policy S4.

Policy S8 – Transportation and Connectivity

Policy S8 of the Local Plan Strategy identifies that roadside facilities which are essential to support safety and welfare of motorists, will be support where they are of an appropriate scale and meet an identified need. With regards to meeting an identified need, it is clear that the current distribution of Petrol Filling Stations in and around Beverley is focused on the eastern and southern edge of the town. This means that the western and northern parts of the town are not served. The below image illustrates the current distribution of PFS around Beverley.



Further afield the nearest Petrol Fillings Stations located to the west and north are at Market Weighton (8.3 miles), Shiptonthorpe (10.3 Miles), and Driffield (12.6 miles). To the south, Petrol Filling Stations are located at Dunswell (6 Miles), Cottingham (6.3 Miles), Kingswood Hull (6.5 miles).

Given the distribution of Petrol Fillings Stations in and around Beverley, and the proximity of those located further afield, it is clear that there is a need for the development in this location. This site has been chosen not only to serve this location in the highway network (on a key arterial route on the outskirts of Beverley served by the A1079, A1035 and A1174), but also to provide the local area and community with a much-needed facility. The proposals are therefore considered to accord with the requirements of Policy S8 of the Local Plan Strategy.

Policy EC3 - Vitality and Viability of Centres

The application site is out-of-centre in planning policy terms and the gross floorspace of the development would exceed the locally defined impact threshold of 250 sq.m gross, as prescribed by Policy EC3 of the Local Plan Strategy.

In accordance with Policy EC3, the Planning and Retail Statement demonstrates compliance with the Sequential Approach and assess the impact of the development on any nearby Town / District Centres and any other shops located in nearby villages. With respect to the impact on Beverley Town Centre, the statement has addressed both the sequential test and retail impact assessment at Sections 6 and 7 respectively.

In addition to an assessment against Beverley Town Centre, the Assessment considers the impact of other shops in the local area, including the nearby villages of Bishop Burton, Cherry Burton and Walkington which all accommodate individual shops. These are:

- Bishop Burton Village Shop & Post Office – 1.2 miles
- Walkington Costcutter & Post Office – 2 miles
- Cherry Burton Costcutter & Post Office – 2.2 miles

The site will provide a limited convenience goods offer for the benefit of passing motorists which will be entirely ancillary to its primary use as a petrol filling station. Given the format of the shop and the limited number of product lines which it intends to sell, the proposal will not provide a main food or top up shopping facility for local residents. The location of the development is such that the residents within local villages would continue to use their local shop for day-to-day convenience goods shopping.

Furthermore, as motorists will be the primary shopper at the proposed shop and are highly likely to derive from a wide and varied catchment area, any trade diversion to the proposal from the nearby villages is likely to be negligible in real terms. Overall, the proposals would not directly compete with the existing village shops, particularly the Post Office elements. Therefore, the impact of the development on the village shops is not considered to be harmful.

It is concluded that the development results in no conflict with Policy EC3 on either of these matters therefore is acceptable. This viewpoint is supported by the Council's Planning Policy Officers in their consultation response.

Landscape and Visual Impact

When considering the observations made by the Parish Council upon the Landscape and Visual Appraisal submitted as part of the planning application it is important to consider each point in full. Therefore we have considered each observation separately below.

1. *The Parish Council would agree that the landscape is highly sensitive to development and that you cannot look at landscape in isolation but need to look at the vistas and take into consideration the whole picture.*

Whilst parts of the wider landscape within which the Site is located do have positive characteristics and attributes, such as the ILA and the Westwood common land to the east, the Site forms a small part of the wider whole, and which is afforded good screening by existing vegetation.

The construction of the new road (A1079) in the 1970s provided connections between the outlying villages of the Yorkshire Wolds with Kingston-upon-Hull. It is acknowledged that the junction between the A1079, the Dog Kennel Lane (A1035) to the north, Beverley Road (A1079) and the York Road which connects into Beverley to the east, diverted traffic from the former road network which extended via Killingwoldgraves Lane to the south to Walkington. The inclusion of a roundabout at this junction, is, in itself, uncharacteristic of the former road network and contributes to a degree, to some small erosion of the wider landscape characteristics. Indeed, the placement of the roundabout bears no historic resemblance to that which would have formerly comprised this part of the route into Beverley.

The placement of a petrol filling station in a location such as this, is not discordant with the nature of the highway layout and would not be anticipated as being unusual at a junction such as this. The roundabout is an extremely busy road junction as demonstrated in the Transport Statement submitted in support of the application. In the daily peak hour alone 2,684 vehicles used the roundabout. Moreover, were such a development to be located within Bishop Burton i.e. further along the route of the A1079, there would arise more notable character and visual concerns which would relate to the Bishop Burton Conservation Area.

2. The Parish Council firmly believes that any development will have a significant detrimental effect on the value of the landscape, it will significantly affect the feel of this ancient approach into Beverley, and will affect those associations that go with the landscape that go back centuries.

The inclusion of a proposal such as this, within the surrounding landscape, should not necessarily preclude its development. The function of the development would be appropriate to its location at the junction of several roads and where its visibility is constrained to locations within approximately 1 km but at which point, the proposal would form a small part of a wider and more distant view.

3. It will turn it from rural into urban and it will become just another modern approach into a town.

It is acknowledged that there would be change arising from the introduction of the proposed development at this location. However, despite the sensitivities which are identified in the LVIA and to which the Parish Council refer, it is considered that in landscape and visual terms, the Site and its surrounding context is capable of accommodating a development of the nature proposed. The Landscape Masterplan provides an indication of the manner by which the Site can be landscaped to reflect the positive local characteristics and soften the visual effects of the development over time.

4. They totally disagree with the developer's suggestion (4.36) that the effect of the development would be barely discernible. After all, how can a modern petrol station with a large totem, that can be viewed from all parts of the roundabout, be barely discernible.

The actual visual envelope within which the proposed development would appear is, as the Parish Council suggest in their response, from the roundabout, to which the proposal is adjacent. Visibility of the proposal extends a very limited degree beyond this along each of the roads which connect from the roundabout and to the nearby properties (Mount Pleasant Farm, Mount Pleasant Cottages to the north east and east-south-east and those at Killingwoldgraves to the south west of the roundabout).

5. It [the LVIA] suggests (6.2) "The proposed development would not appear incongruous within the local landscape context which already includes incidental one to three storey buildings, gardens, and outbuildings. Consequentially, the proposals are unlikely to have an adverse effect on the ILA". The Parish Council totally refutes this, the current buildings, as noted elsewhere, are few and far between and are all of a historic nature being made out of traditional materials, which blend into the landscape,

the proposed petrol station and ancillary operations are proposed to be housed in very modern structures which, along with the signage, will be incongruous and highly visible.

The LVIA identifies in relation to sensitivity, that the sensitivity of the landscape is lowered at this junction where the existing roundabout and highway infrastructure has a localised influence. The former road layout has been subject to change arising from demands of modern motoring through the construction in the 1970s of the A1079 to the south of the Site. It is within the context of this roundabout that the petrol filling station would be set. The roundabout is lit upon approach/exit from all roads which connect into it, and it is within the context of existing tall highway lighting stanchions that the internally illuminated totem would be seen.

Demand

A detailed and thorough assessment of need has been completed by Tim Hancock and was submitted in support of the planning application. We feel strongly that this report highlights the need and demand for a petrol filling station in this location. For the benefit of the doubt, the conclusions of the Hancock report are repeated below and a full copy of the report is included with this letter.

- I have considered the issue of need on the relevant section of this strategic road network and concluded that there is presently a deficiency in provision and that motorists' requirements in terms of fuel, rest and refreshment are not satisfied.
- Having considered the Service Area Site I have concluded that it would be well located to satisfy these needs following the construction of the development proposals.
- I consider that there are strong economic arguments in terms of employment creation for the development of the Service Area Site.

Economic Benefits

Again, to best deal with the Parish Council objections on this point it is best to consider each point of objections individually.

The Parish Council agrees that during the short 6-month construction phase there will be additional jobs on site and with these will bring indirect benefits to the local economy. However, they will be temporary in nature, they will last only 6 months and there is no guarantee that they will be drawn from the local economy, after all, the applicant is part of a multinational organisation and could bring the workers from elsewhere. The Parish Council believes that these short-term benefits will be more than outweighed by the detrimental effect the development will have on the landscape and the environment and the detrimental long term effect that its presence will have on the local economy.

While the construction jobs are temporary, they will still make an important contribution to the local economy. Even if workers travel from outside the region, they will be spending money in local shops and this in turn will support further employment – as outlined in the economic benefits statement.

The point relating to where the construction workers travel from is worth considering in more detail. It is often assumed that people in the sector will simply move from region to region, depending on where there

is work available. However, research published by the Construction Industry Training Board (CITB) suggests that this isn't necessarily the case¹. The CITB research surveyed construction workers on sites in every region.

The survey was representative and for Yorkshire and The Humber (YH), the findings highlight that:

- The average distance from workers' current residence to their current site was 19 miles, compared to a UK average of 22 miles. This figure takes into account workers in temporary accommodation, however only 4% of workers surveyed for the study in YH were staying in such residences.
- Around two fifths of all workers have worked in YH for their entire construction career (39%). A further 41% have remained in the region most of the time, meaning the majority of all workers have remained in YH for all or most of the time (80%).

The figures quoted above are not intended to show that every single job created during the build phase will be taken by people in the local area. However, what they do suggest is that a good proportion of the jobs are likely to be taken by people from within East Riding District and the wider region – bringing economic benefits to the area for the duration of the construction programme. It is also worth noting that this scheme will not be completed by a national development company, the Lindum Group will develop the site from their York office at Elvington and are committed to using trusted local contractors. Therefore a locally based company will endeavour to use locally based tradesman, boosting local employment in the area.

The Parish Council believes that the economic benefits that the development brings are not incremental to the economy but merely displaced from other local shops.

The figures referred to by the Parish Council relate to the gross permanent jobs supported by the proposed scheme, with allowance made for the multiplier effect. What they don't take into account is the issue of displacement, which is correctly highlighted by the Council, and also the level of leakage. It is therefore helpful to provide a 'net' figure for employment supported by the scheme. This refers to the number of jobs that the scheme can be expected to create over and above what would have happened at any rate. The calculation makes allowance for the additionality factors of leakage, displacement and multiplier factors in order to arrive at an estimate of net additional jobs:

- **Leakage** is defined as, 'the proportion of outputs that benefit those outside the programme/project area or group'. Data from the 2011 Census indicate that 29% of working in East Riding live outside the District. This figure has been used for the leakage rate.
- **Displacement** is defined as, 'the proportion of project outputs/outcomes accounted for by reduced outputs/outcomes elsewhere in the target area'. Based on guidance published by the Homes & Communities Agency² (now part of Homes England), displacement can vary between 22% and 38% at a district level for new developments.
- **Economic multipliers** are defined as, 'further economic activity (jobs, expenditure or income) associated with additional local income and local supplier purchases'. In line with the economic benefits report, a multiplier of 1.21 has been used. This is also sourced from the same HCA guidance referred to in the point above.

¹ *Workforce Mobility & Skills in the UK Construction Sector 2005 – Yorkshire and The Humber report*. BMG Research, 2015.

² *Additionality Guide – Fourth Edition*. Homes & Communities Agency, 2014.

In the economic benefits statement, the number of gross full-time equivalent (FTE) jobs on-site at the development is given as 25. Applying the leakage, displacement and multiplier factors to this figure, the net additional jobs created in East Riding by the scheme are estimated at between 13 and 17 FTE positions. This indicates that even allowing for factors such as displacement, the scheme will generate a net benefit for the local economy and provide new job opportunities for residents of the District.

Traffic Access and Highways Safety

Traffic access and highways safety

The engineering consultants on this scheme Enzygo have scoped the Transport Assessment with East Riding of Yorkshire Council (EROYC) Highways at the inception stages of the project to ensure that any highway safety or traffic impact concerns raised by EROYC were addressed. Recent fully classified turning counts were undertaken during a neutral month and the junction assessment results for the survey year 2018 and the future growth year 2023, including the development traffic confirmed that the Ratio to Flow (RFC) figures, were significantly below the 0.850 threshold figure for the roundabout assessment.

Enzygo obtained accident history records at the roundabout for the previous 6 years that confirmed that has been 15 No. recorded accidents, 12 No. resulted in 'slight' injury accidents and 3 No. 'serious' injury accidents. As identified previously, the roundabout is an extremely busy road junction used by over 2,500 vehicles in the peak hours alone. Given this high level of use, the number of accidents recorded is considered to be low when considered in the context of the number of vehicles using the junction.

Killingwoldgraves roundabout – queuing and timing of traffic of traffic data collection

The fully classified turning counts were undertaken in December 2018 prior to the schools breaking up for the Christmas break that was predominantly due to the time restrictions at the time. We understand from discussions with EROYC Highways that the roundabout has been improved relatively recently with highway mitigation measures introduced to alleviate any previous congestion issues and the geometry used was extracted from the EROYC roundabout model. It should be noted that traffic volumes and flows vary on a daily basis, as a result of local events, school holidays, etc and whilst the traffic volumes generated by the PFS are not considered to be of detriment to the operation of the roundabout a significant number of the trips generated are currently on the network. Drivers very rarely plan a trip to the PFS just to add fuel, they generally visit the PFS on the way to/from work, school, etc. However, the RFC values are considered below the threshold RFC figure of 0.85 at the roundabout with 0.50 the highest figure in 2023.

Site entrance – Concerns on safety

EROYC Highways requested that a Stage 1 Road Safety Audit be undertaken for the scheme to identify if any highway safety concerns will need to be addressed as part of the design works. The RSA identified three highway safety issues that Enzygo are in the process of addressing and include;

- The introduction of traffic islands at the right turn ghost island to prevent overtaking. These will be added to the drawings to be submitted to ERYOC Highways this week;
- Level differences between the site and the A1174. Annotation will be added to the drawings and discussions have taken place with the developer to ensure onsite levels are raised;
- To achieve the required visibility the crown of the adjacent ash tree should be lifted and the necessary hedgerow should be trimmed back, if required. This will be addressed as part of the recent design drawings to be submitted to EROYC

The RSA did not raise any highway safety concerns in relation to vehicles exiting and entering the roundabout from the A1174 and the accident records that were analysed did not identify a highway safety concern on this stretch of the A1174. It should also be noted that a significant proportion of the trips that are attracted to the PFS are vehicles that are currently on the network and the access design and associated highway works have been designed in accordance with the Highway Design Manual for Roads and Bridges that is the national highway design standard.

Raceday traffic

Enzygo have acknowledged that the racedays at Beverley run between April and September every year and this does result in additional traffic on the local highway network. However, this traffic is deemed to be seasonal and whilst the traffic levels may increase over this period it is common knowledge in the transport planning industry that over the summer months, due the schools closing for the summer break, that in general the base traffic volumes are less.

Raceday traffic cannot be considered as 'typical' traffic behaviour and it is assumed that the peaks in the raceday traffic rarely coincide with the highway network peak traffic flows. Also, Enzygo has grown the base traffic flows up to 2023 that does take account of local economic growth in the area, although local events are considered 'one off' events. The RFC figures obtained from assessing the roundabout for 2023 are also considerably below the 0.850 RFC threshold figure that suggests, generally there is still capacity in the roundabout.

Localised traffic management will be introduced by EROYC on racedays, which has been apparent on a recent visit to Beverley to control and manage traffic flows in an efficient manner.

Pedestrian/Cycle access and safety.

The proposed layout has been subject to a Road Safety Audit that requested that pedestrian islands be introduced within the right turn lane arrangement to ensure that no overtaking would take place and traffic speeds would be reduced on the approach to the roundabout. This will make it much safer to cross at the access for cyclists and the proposal to introduce a right turn lane into the site includes localised widening of the A1174 that should encourage cyclists to continue along the A1174.

The access also includes a pedestrian crossing island with footway/cycleway access to the back of the access bellmouth that provides a safe place to cross and continue along the A1174.

Ecology

Included in the Parish Council objection is a concern for the impact on the habitats and wildlife on site and in the surrounding area (including local statutory sites). The Nature Conservation officer for East Riding Council has responded to the Council with his response paraphrased below.

A Preliminary Ecological Appraisal (Enzygo Environmental Consultants) has been submitted in support of our application. An appraisal of the report by the conservation officer determines that it has followed accepted guidance and that the surveys have been undertaken by suitably experienced and licensed ecologists.

The report provides the Council with sufficient information to allow a robust assessment of the potential ecological impacts resulting from the development. Natural England (NE) have responded to the planning application and have indicated that they are satisfied the proposed development will not have significant adverse impacts on any statutorily protected sites.

In addition to this the nature conservation officer has agreed with the findings of our submitted evidence and that he accepts that the report shows that the core area of the development site is of limited ecological value, that the potential impacts of the proposals on habitats and species can be appropriately mitigated for, and that the proposals will not generate significant ecological impacts. We agree with the response of the Nature Conservation Officer and do not consider that any further ecological work is needed in support of the planning application. We note the recommended ecology conditions should permission be granted and are comfortable with those conditions.

Conclusion

In this letter the Lindum Group has considered the objections raised by Bishop Burton Parish Council in their letter dated the 17th May 2019. We have considered the main objection points raised and responded where appropriate. In conclusion we feel very strongly that the evidence supplied in the original planning application, along with the further information and clarification in this letter demonstrate that our planning application should be approved. This is supported by the lack of objection from statutory consultees to our proposals.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R. Jays', with a long, sweeping horizontal stroke extending to the right.

ROBERT JAYS MRTPI
Development Planner