

**Planning Application by Mr C Les for an Motorway
Service Area at Leeming Bar Services, 88 Bedale Road
A1/A684 Intersection, Northallerton, North Yorkshire, DL8 1DT**

TOWN AND COUNTRY PLANNING Act 1990

Rule 6 Statement of Case of Mr Carl Les

LPA Ref: 09/01202/OUT

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Ward Hadaway Document Ref: wh2889185v1

Inquiry Document Ref: CLSoC1

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Contents:

	Page
1. Introduction	3
2. The Case of Mr C. Les	3
3. Conclusion	6
4. Documentation	7

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1. Introduction

- 1.1. This Statement of Case is prepared by Ward Hadaway on behalf of Mr. Carl Les in respect to the application submitted by him for a Motorway Service Area (“MSA”) comprising amenity buildings, lodge, managers accommodation, petrol filling station, drive through restaurant, parking/turning areas and landscaping at Leeming Bar Services, 88 Bedale Road, Bedale.
- 1.2. An outline application (09/01202/OUT) was submitted on 6th May 2009 to Hambleton District Council. By letter dated 13th July 2009, the Secretary of State directed, under Section 77 of the Town and Country Planning Act, that Hambleton District Council refer the application to him for determination. The application is to be determined at a conjoined Inquiry to commence on 25th May 2010 together with a proposal for an MSA by Heather Ives Associates at Kirby Hill, Harrogate (Appeal Ref: APP/E2734/A/09/2102196/NWF).
- 1.3. This document provides the Statement of Case of Mr. Les in respect to the matters about which the Secretary of State wishes to be informed for the purposes of his consideration of the application as set out in his letter dated 13th July 2009.
- 1.4. It should be noted that a Statement of Case (dated July 2009 – document ref: wh2708150v1) was submitted to the Planning Inspectorate on 10th July 2009 on behalf of Mr. Les as a Rule 6 (6) Party in the appeal submitted by Heather Ives Associates for a proposed MSA at Kirby Hill. The contents of that Statement are not repeated in this Statement but remain valid in the conjoined Inquiry.

2. The Case on Behalf of Mr Les

- 2.1 The Secretary of State in his letter dated 13th July 2009 has asked to be informed at the Inquiry of the following main issues.

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- The extent to which the proposed development is in accordance with the Development Plan for the area, having regard in particular to the Hambleton Core Strategy adopted in April 2007 and the Regional Spatial Strategy for Yorkshire and the Humber published in 2008 together with any saved policies
 - The extent to which the proposed development is consistent with advice in Planning Policy Guidance Note 13: transport and Department for Transport Circular 01/2008 on Motorway Services Areas

2.2 In addition to the main issues raised by the Secretary of State, Mr Les will also put forward evidence in respect to the following key issues:

- The impact of the development on landscape character
- The weight to be given to the existing use
- The weight to be given to emerging planning policy

The extent to which the proposed development is in accordance with the development plan for the area, having regard in particular to the Hambleton Core Strategy adopted in April 2007 and the Regional Spatial Strategy for Yorkshire and the Humber published in 2008 together with any saved policies

2.3 Mr. Les will give evidence in respect to the compliance of the application proposals with the Development Plan including those policies contained within the saved Hambleton Local Plan, Hambleton Local Development Framework Core Strategy and Development Control Policies DPD and the Regional Spatial Strategy for the Yorkshire and Humber.

The extent to which the proposed development is consistent with advice in Planning Policy Guidance Note 13: Transport and Department for Transport Circular 01/2008 on Motorway Services Areas

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- 2.4 Mr. Les will demonstrate that there is a need for an MSA facility to serve the A1 when the upgrade to motorway between Disforth and Leeming is completed in year 2012.
- 2.5 With reference to the guidance set out in DfT Circular 01/2008 it will be demonstrated that there is a need for a Core MSA between the existing MSA facilities at Wetherby and Barton.
- 2.6 It will be demonstrated that the application site is an acceptable location for an MSA with reference to Circular DfT 01/2008 and that in respect to planning, operational and environmental constraints it represents the most suitable location for a new MSA between Barton and Wetherby.
- 2.7 It will be demonstrated that the site can accommodate motorway traffic with particular reference to safety considerations.
- 2.8 Mr. Les will demonstrate, through reference to the submitted Transport Assessment and further analysis that the engineering design of the access to the motorway is acceptable for the site to become an MSA.
- 2.9 With reference to the indicative layout of the proposed MSA, the submitted Transport and Planning Statements and Design and Access Statement it will be demonstrated that the site can provide the mandatory facilities as required by DfT Circular 01/2008.
- 2.10 It will be demonstrated with reference to the submitted Transport Assessment and Framework Travel Plan that the proposals are in accordance with PPG13

The impact of the development on landscape character

- 2.11 With reference to a landscape and visual impact assessment (LVIA) it will be demonstrated that the proposed MSA will not have a detrimental impact upon the existing landscape.

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The weight to be given to the existing use

- 2.12 Reference will be made to the historic development of the site since it began as a road service area and the impact it has on the local area in terms of employment. Reference will also be made to the sustainability of the site with particular reference to sustainable travel for current and future employees.
- 2.13 It will be demonstrated that the proposed MSA will not result in a significant increase in the development area of the existing site and the land which benefits from extant planning consents for HGV and coach parking.
- 2.14 It will be demonstrated that substantial weight should be given to the fact that the site is an existing service area and that in planning, operational and environmental terms it is the most appropriate site for an MSA between Barton and Wetherby.

The weight to be given to emerging planning policy

- 2.15 Mr. Les will demonstrate that weight should be given to emerging planning policy set out in the Hambleton Local Development Framework Allocations Development Plan Document and in particular Policy BC5 which proposes to allocate the application site as an MSA.
- 2.16 It will be demonstrated in respect to Policy BC5 that the application site represents the most suitable site for an MSA in the District of Hambleton.

3. Conclusions

- 3.1 Mr Les will conclude that, when considered against relevant and up-to-date national, regional and local planning policy that the planning application should be approved.

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3.2 In demonstrating the above, Mr. Les will address comprehensively the matters raised in the Secretary of States letter dated 13th July 2009.

3.3 In light of the information presented, Mr. Les will respectfully request that the Inspector recommend approval of the application.

4. List of Documents

4.1 The appellant will refer to the following documentation:

National Planning Policy

- Department for Transport Circular 01/2008
- Department for Transport Circular 02/2007
- Relevant National Planning Policy Guidance Notes and Policy Statements

Regional Planning Policy

- Regional Planning Guidance for Yorkshire and the Humber

Local Planning Policy

- Saved Hambleton District Council Local Plan Policies
- Hambleton District Council Local Development Framework Core Strategy and Development Control Development Plan Documents

Other Material Planning Documents

- Emerging Hambleton District Council Local Development Framework Allocations Development Plan Document

Other Documents

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- Documents submitted with the planning application 09/01202/OUT
 - LVIA for Leeming Bar Services
 - Addendum to the submitted Transport Assessment

Previous Planning Decisions

- Previous planning decisions relating to the site

4.2 Mr. Les reserves the right to add to his list of documents either prior to or during the forthcoming Inquiry and to respond to any other parties' statements of case.