

Agenda

- Meeting:** Thirsk and Malton Area Planning Committee
- Members:** Councillors Caroline Goodrick (Chair), Joy Andrews (Vice-Chair), Alyson Baker, Lindsay Burr MBE, Sam Cross, Nigel Knapton and Malcolm Taylor.
- Date:** Thursday, 19 December 2024
- Time:** 10.00 am
- Venue:** Council Chamber, Ryedale House, Malton, YO17 7HH

Members of the public are entitled to attend this meeting as observers for all those items taken in open session. Please contact the Democratic Services Officer supporting this committee, details below, if you have any queries.

The Council operates a scheme for public speaking at planning committee meetings. Normally the following people can speak at planning committee in relation to any specific application on the agenda:

- speaker representing the applicant,
- speaker representing the objectors,
- parish council representative and
- local Division councillor.

Each speaker has a maximum of three minutes to put their case. If you wish to register to speak through this scheme, then please notify Nicki Lishman, Senior Democratic Services Officer by midday on Monday, 16 December 2024.

Recording is allowed at Council, committee and sub-committee meetings which are open to the public. Please give due regard to the Council's protocol on audio/visual recording and photography at public meetings. Anyone wishing to record is asked to contact, prior to the start of the meeting, the named democratic services officer supporting this committee. We ask that any recording is clearly visible to anyone at the meeting and that it is non-disruptive.

If you are exercising your right to speak at this meeting but do not wish to be recorded, please inform the Chairman who will instruct anyone who may be taking a recording to cease while you speak.

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Business

1. **Apologies for absence**
2. **Minutes for the meeting held on 24 October 2024** (Pages 5 - 10)
3. **Declarations of interests**
All Members are invited to declare any interests, including the nature of those interests, or lobbying in respect of any items appearing on this agenda.
4. **ZB24/01340/FUL - Construction of 8 dwellings and garages, formation of new access and associated works land west of Owlwood House, West Lane, Stillington** (Pages 11 - 30)
Report of the Head of Development Management – Community Development Services.
5. **ZB23/02537/MRC - Application for the modification of condition 22 of approved application: 16/02240/FUL** (Pages 31 - 48)
Report of the Head of Development Management – Community Development Services.
6. **ZB24/00064/FUL - Application for proposed development of Bagby airfield to include:- demolition and rebuild of hangar G; extension and external alteration of hangar F; demolition of the existing maintenance facility and erection of a new facility to form a ground floor museum hangar with first floor accommodation; retrospective consent for the construction of a new clubhouse following demolition of the existing clubhouse and control tower; construction of a new control tower and new tractor shed/workshop; demolition and replacement of two temporary hangars with a new hangar; creation of a new aircraft electric charging point; extension to the runway geotextile tiling; hard and soft landscaping and creation of a new bowser.** (Pages 49 - 86)
Report of the Head of Development Management – Community Development Services.
7. **ZE24/04403/MFUL - Construction of office building with associated workshop and vehicle storage space (Class E) along with external site compound, covered cycle storage building and associated accesses, car parking and landscaping land south of Riccal Drive, Helmsley** (Pages 87 - 114)
Report of the Head of Development Management – Community Development Services.
8. **Any other items**
Any other items which the Chair agrees should be considered as a matter of urgency because of special circumstances.
9. **Date of next meeting**
Thursday, 16 January 2025 at 10.00am.

Members are reminded that to expedite business at the meeting and enable Officers to adapt their presentations to address areas causing difficulty, they are encouraged to contact Officers prior to the meeting with questions on technical issues in reports.

Agenda Contact Officer

Nicki Lishman, Senior Democratic Services Officer

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Wednesday, 11 December 2024

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North Yorkshire Council

Thirsk and Malton Area Planning Committee

Minutes of the meeting held on Thursday, 24 October, 2024 commencing at 10.00 am.

Councillor Caroline Goodrick in the Chair and Councillors Joy Andrews, Alyson Baker, Lindsay Burr MBE, Nigel Knapton and Malcolm Taylor.

Officers Present: Kelly Dawson, Connor Harrison, Nicki Lishman, Aisling O'Driscoll and Ann Rawlinson.

Apologies: Councillor Sam Cross

Copies of all documents considered are in the Minute Book

130 Apologies for absence

Apologies for absence were received from Councillor Sam Cross.

131 Minutes for the meeting held on 19 September 2024

The minutes of the meeting held on 19 September 2024 were agreed and signed by the Chair as a correct record.

Voting record

Agreed by general affirmation.

132 Declarations of interests

Councillor Caroline Goodrick declared a personal but non-prejudicial interest in Item 6 as she was a member of the Howardian Hills National Landscape Joint Advisory Committee.

Councillor Nigel Knapton declared a personal but non-prejudicial interest in Item 4 and Item 5 as he was clerk to the relevant Parish Council.

133 ZB24/01340/FUL Construction of 8 dwellings and garages, formation of new access and associated works land west of Owlwood House, West Lane, Stillington, North Yorkshire

The Assistant Director Planning – Community Development sought determination of an application for full planning permission for the construction of 8 dwellings and garages, the formation of a new access and ancillary works at land west of Owlwood House, West Lane, Stillington, North Yorkshire

The application was requested to be determined by the Area Planning Committee following a referral by Cllr Taylor, due to the proposal conflicting with the Hambleton Local Plan and the public interest in the proposed scheme.

Presenting the report, officers drew Members' attention to the information issued with the updates list, namely:

- the two side (east-facing) windows on the first floor of unit 1, one serving a landing, and the other serving a bedroom. It was recommended that a condition requiring the obscure glazing of the bedroom window was imposed on any grant of planning permission to safeguard neighbouring privacy whilst ensuring amenity within the bedroom.
- the consultation response from the Highway Authority, which did not advise that a footway or the alteration of the speed limit zone would be necessary to grant planning permission. Any changes to the speed limit would require consultation and the cost of additional signage at a cost of approximately £3,000. In addition, the provision of a footway connected to the existing footways would be at a significant cost.
- details of the calculation of commuted sums.

Mr Geoff Sykes and Ms Helen Armstrong spoke to object to the application.

Mr Jon Saddington, agent on behalf of the applicant, spoke in support of the application.

Discussion of the item included consideration of the following matters:

- The relevance and application of several policies from the Hambleton Local Plan
- The proximity to and effect on the amenity of the neighbouring property caused by the gable end windows on the first floor of unit 1.
- Concerns over access to and from the site for pedestrians due to the lack of a footway on the north side of High Street. In addition, access to and from the site was within a 60mph speed limit zone and Members were concerned with safety.
- Protection of the large tree within the site.

Councillor Taylor proposed and Councillor Knapton seconded that the application be deferred.

Decision

That the consideration of planning permission be DEFERRED to allow further work to address overlooking, road safety and highways issues.

Voting record

Unanimous

134 ZB24/01032/FUL Proposed change of use of existing tourism accommodation to dwellinghouse at Oakleigh Cottage, Oakleigh, Alne Station, York, YO61 1TS

The Assistant Director Planning – Community Development sought determination of an application for full planning permission for the change of use of existing tourist accommodation to form a dwellinghouse.

This application was requested to be determined by the Area Planning Committee following a referral by Cllr Knapton, to allow the committee to consider the proposal against the requirements of Policy S5 of the Hambleton Local Plan.

Presenting the report, officers drew Members' attention to:

- The relevant policies of the Hambleton Local Plan.
- The marketing of the property over recent years.
- The similar applications at the site that had been submitted and refused.

Mr Andrew Cunningham, agent, spoke in support of the application.

During consideration of the item Councillors debated:

- The conflict between the provision of housing and of holiday accommodation across the area, with reference to recent applications for holiday accommodation in open countryside.
- The marketing of the property, which has failed to improve the use of the property as holiday accommodation.

Councillors considered that although the development was in conflict with policy S5 of the Hambleton Local Plan, the material consideration of lack of viability of a holiday use outweighed the conflict with the Development Plan.

Councillor Knapton proposed and Councillor Burr seconded that Members were minded to approve and delegate the authority to the Development Management Team Manager to determine with appropriate conditions imposed.

Decision

That the Committee be minded to approve the application subject to conditions and to delegate the authority to determine the application and apply appropriate conditions to the Development Management Team Manager.

Voting record

5 For

1 Against

135 ZB23/02394/OUT Outline application for the erection of 20 no. dwellings (with all matters reserved except access, landscaping and layout) [Use Class C3] including demolition of existing barn and associated infrastructure land to the south of Prospect Cottages, Husthwaite, North Yorkshire

The Assistant Director Planning – Community Development sought determination of an outline planning application for 20 dwellings on land to the south of Prospect Cottages, Husthwaite.

The application was considered appropriate to be determined by the Planning Committee due to the proposal raising significant planning issues, the level of interest in the proposal and the complex planning matters involved, as considered by the Director of Community Development,

Presenting the report officers drew Members' attention to:

- A minor amendment to the reasons for refusal as shown in the updates list.
- The location of the visitors' car park as shown on the site plan which would require alteration.
- The officers' view that the proposal would result in the loss of open space, contrary to the Hambleton Local Plan policy HG5 and less than substantial harm to the

significance of the Husthwaite conservation area which was not outweighed by the public benefits.

Mr Cameron Smith spoke to object to the application.

The Democratic Services Officer read a statement on behalf of the Parish Council.

Mr Hugh Roberts, on behalf of the applicant, spoke in support of the application.

During consideration of the application, Members' discussed:

- The expired permission on the site - the site was allocated for housing development in the previous Local Development Framework, which had been replaced following the adoption of the current Hambleton Local Plan which was adopted in 2022.
- The ambitions of the Parish Council with regard to the provision of housing.
- The impact on the conservation area and proximity to the National Landscape.

Councillor Baker proposed and Councillor Andrews seconded that the application be refused.

Decision

That the planning application be REFUSED due to

- i. The loss of open space that was important to the historic linear form and layout of the village. In addition, the development would have had a detrimental impact on the rural character of the village and resulted in the loss of countryside that made a significant contribution to the character and setting of the village. The proposal was therefore contrary to criteria d. and e. of the Hambleton Local Plan Policy HG5.
- ii. The erosion of the close relationship between the settlement and the open arable and pastoral fields and the relationship between the settlement and the wider rural landscape which contributed greatly to the significance of the Husthwaite Conservation Area. This impact was considered to result in less than substantial harm to the significance of the Husthwaite Conservation Area. This harm was not considered to be outweighed by public benefits and the proposal was therefore contrary to Paragraph 208 of the National Planning Policy Framework and Policy E5 of the Hambleton Local Plan.

Voting record

5 For

1 Against

136 Updates list October 2024

137 Any other items

There were no items of important business.

138 Date of next meeting

The date of the next meeting was confirmed at 10.00am on Thursday, 21 November 2024.

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**North Yorkshire Council
Community Development Services
Thirsk and Malton Area Planning Committee**

19 December 2024

ZB24/01340/FUL - Construction of 8 dwellings and garages, formation of new access and associated works

At Land West of Owlwood House, West Lane, Stillington, North Yorkshire

On Behalf of Ambleside Homes

Report of The Head of Development Management– Community Development Services

1.0 PURPOSE OF THE REPORT

- 1.1 To determine an application for full planning permission for the construction of 8 dwellings and garages, the formation of a new access and ancillary works.
- 1.2 This application is requested to be determined by the Area Planning Committee following a referral by Cllr Taylor due to the proposal conflicting with the Hambleton Local Plan and due to public interest in the proposed scheme.

2.0 SUMMARY

RECOMMENDATION:

- 2.1 That members be minded to **GRANT** planning permission subject to the applicant entering into a legal agreement under section 106 of the Town and Country Planning Act to secure affordable housing provision on site and a commuted sum towards off site provision of affordable housing, highway assessment of proposed highway improvements, highway improvement works and subject to the conditions set out in Section 12 of this report.
- 2.2 The site is located approximately 40m to the west of Stillington, in the open countryside. Stillington is defined as a Service Village within the Local Plan. The proposed scheme is for eight dwellings, with four of those being single- or one-and-half-storey (i.e. “bungalows”), with the mix comprising the following: 1 no. one-bedroomed unit, 4 no. two-bedroomed units, 2 no. three-bedroomed units, 1 no. four-bedroomed unit. The proposed works include ancillary development and the creation of a new access to the west of the existing field access, which will be closed up.
- 2.3 The provision of affordable housing and non-compliance with Policies S5, HG4 and HG5 and how this impacts the proposal in terms of this site’s suitability for the siting of residential development is one of the main considerations, paying heed in particular to the impact on the character and appearance of the surrounding area and the requirement for affordable housing within Stillington. Matters relating to design and landscaping, in addition to technical matters such as highway safety and drainage are also important material planning considerations.

ZB24/01340/FUL

14/10/2024



Civic Centre, Stone Cross, Rotary Way,
Northallerton DL6 2UU

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3.0 PRELIMINARY MATTERS

3.1 Access to the case file on Public Access can be found here:

[Planning Documents](#)

Planning history

3.2 Application site:

18/00490/OUT - Outline application (all matters reserved) for the construction of four detached dwellings (self-build plots) – REFUSED.

17/00606/OUT - Outline application (all matters reserved) for the construction of a detached dwelling – WITHDRAWN.

Deferral Update

3.3 This application was deferred at the planning committee on 24 October 2024 so that officers could enter into discussions with the agent to clarify matters that had been raised by members.

3.4 These matters were: highway safety, neighbour amenity and protection of an oak tree to the north west corner of the site.

3.5 Information has subsequently been provided by the agent seeking to address these issues, which are discussed below:

3.6 An amended site plan has been provided showing the provision of a footpath link between the site and the village. The proposed footpath also allows access to Stillington from The Shippons and is largely situated within the site, limiting the visual impact of the path. The route makes use of the existing field access to the south-east of the site, before running across the road and joining the existing footpath to the south of West Lane. Incorporated within the new route are various safety measures, such as tactile paving, dropped kerbs and a personnel gate.

3.7 Further to the above, the proposal also now incorporates the extension of the 30mph zone, moving the relevant signage a further 130m west along West Lane.

3.8 The above measures have been drawn up following initial consultation with the Highways Authority and it is proposed that this be secured via a Section 106 Legal Agreement. A separate licence would be required from the Highways Authority to allow any works within the public highway to be carried out. The applicant is advised of this by informative.

3.9 In response to concerns relating to the presence of a first-floor window within the eastern gable-end of Unit 1, amended plans have been submitted. The amended plans have removed the window from the proposal. The recommended condition 20 subsequently seeks to control any potential future development which may otherwise be permitted development on the site.

3.10 A public consultation in respect of the amended plans is currently being carried out which expires on 17 December 2024. This has been undertaken with original neighbours consulted, those neighbours who made representations on the planning application and the Highways Authority. Any additional representations received will be reported to members of the planning committee on the late papers/update list and/or verbally at the meeting and be considered accordingly.

- 3.11 Condition 2 has been updated to reflect the submission of amended drawings. The section 106 requirements table at paragraph 10.35 has been updated to reflect the proposed highways improvements, including funding of a highways assessment, funding for the construction of a section of footpath outside of the site and funding for moving of the 30mph zone signage.
- 3.12 Officers are currently giving consideration to the protection of the Oak tree on the site by undertaking a tree preservation order assessment.
- 3.13 Matters set out in the late papers/update list to members for the October planning committee meeting have been incorporated into this officer report.
- 3.14 It is not considered that the information supplied following deferral of this application has meaningfully affected the officer recommendation. It is deemed that the proposal remains broadly policy compliant and that the documents supplied address the concerns set out by the planning committee at the October Planning Committee Meeting.

4.0 SITE AND SURROUNDINGS

- 4.1 The site is located approximately 40m to the west of Stillington, in the open countryside. Stillington is defined as a Service Village within the Hambleton Local Plan. The proposed location of the development is within agricultural land to the east of Stillington. The site consists of a parcel of land formerly used for arable farming and which has been divided from a field to the north. The parcel of land subject to this application measures approximately 0.54ha and is sited to the north of West Lane, which is a classified (C) road. The site is not within Stillington's Conservation Area, which is 40m to the east, ending at Townend Pond.
- 4.2 There are well-established hedgerows (with occasional gaps) to the eastern, western and southern site boundaries, whilst the northern boundary consists of a post-and-rail fence. To the immediate west of the site is residential land, as is the case to the east, whilst the land to the north is agricultural.

5.0 DESCRIPTION OF PROPOSAL

- 5.1 The application relates to the siting of eight dwellings within the above-described parcel of land. The units consist of 1 no. one-bedroomed unit, 4 no. two-bedroomed units, 2 no. three-bedroomed units, 1 no. four-bedroomed unit with two of those units forming part of the affordable housing provision. The proposed tenure for the affordable units has one unit being offered as a discount market property and another for social rent. The proposed units would be constructed in brick and pantile and would include a variety of form and scale in order to give the impression of a converted former farmstead.
- 5.2 The access associated with the site is proposed to be relocated from the east of the site to the west to provide greater visibility to vehicles entering and exiting the site. Landscaping within the site itself and to the minor infill to the site boundaries is also proposed.
- 5.3 The application is submitted with a Design, Access and Planning Statements; Preliminary Ecological Appraisal; Heritage Assessment; Percolation Test; Tree Survey; Biodiversity Net Gain report.

6.0 PLANNING POLICY AND GUIDANCE

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with

Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2 The Adopted Development Plan for this site is the Hambleton Local Plan (adopted February 2022).

Emerging Development Plan - Material Consideration.

- 6.3 The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

Guidance - Material Consideration

- 6.4 Relevant guidance for this application is:

- National Planning Policy Framework 2021
- National Planning Practice Guidance

7.0 CONSULTATION RESPONSES

- 7.1 The following consultation responses have been received and have been summarised below:

Initial Consultation

Consultees

- 7.2 Parish Council – Objects:

- Development should not be built on greenfield land.
- There has been a 30% increase in properties in the village in the last seven years.
- There have been issues regarding utilities and access to the doctor's surgery in the village.
- Resident's safety would be compromised due to lack of footway connection and having to cross a busy road.

- 7.3 Highway Authority – No objection. Conditions and informatives provided.

- 7.4 Environmental Health – No objection.

- 7.5 Yorkshire Water – No objection:

No objection. Have provided conditions and approve of the applicant's intention to drain surface water via soakaway.

- 7.6 MoD RAF - No safeguarding objections.

- 7.7 Foss IDB – Comments and condition provided.

- 7.8 Rural Housing Officer - Comments provided as set out below:

“This is a full planning application and the proposed scheme would be required to provide 30% affordable allocation on 8 homes – this will result in a requirement for 2.4 affordable homes. Within the current application there are plans for 2 affordable units, therefore we would also require 0.4% commuted sum, secured via a 106 agreement.”

“I have been advised that currently the developer is looking at 1 social rent and one discount market sale. My advice at this stage would be to consider both properties for social rent and to speak to registered providers who already have stock in the area.”

“Both affordable units on the scheme conform to NDSS, however they are considerably smaller than the market homes of the same bed size on the development.”

“Whilst the mix on the affordable housing is not policy compliant, given the number of units on the scheme this would be acceptable.”

“The highest demand is for 1 and 2 beds and we would expect any application to address this need, which this application does.”

“Using secondary data derived from the latest census information, there is an estimated affordable housing need of 8 properties per annum in Stillington itself.”

“We would support the delivery of 2 affordable units and 0.4% commuted sum on this application.”

Local Representations

Initial Consultation:

- 7.9 31 representations have been received. Of these representations 9 are in support and 22 are objecting. A summary of the comments is provided below, however, please see website for full comments.

Objections:

- The site is a green belt area.
- There is already fast traffic coming through the village.
- The site will be noisy and dusty through the construction period.
- Development will block out existing views and landscape.
- Since 2016, Stillington has seen an increase of nearly 24% (including the allocation to the south of South Back Lane).
- The proposal will set a precedent for ribbon development.
- The development will open up potential for agricultural land to be developed along North Back Lane.
- The development has the potential to drastically alter the nature and qualities of the village.
- Concern over number of vehicles interacting with busy road close to a corner.
- No footpath between site and village.
- Water, doctors and sewerage system in village at capacity.
- Would negatively impact local wildlife.
- The proposal does not represent “infill”.
- The Shippons is outside of the built form.
- The site is part of the countryside.
- The development is high density when viewed against adjacent development.
- A similar application on the site was refused in 2018.

- The proposal would result in an oppressive and overbearing impact on Oakwood House and would impact on privacy in garden.
- The development would be harmful to the character and appearance of the countryside and Conservation Area.
- Potential noise impacts from residents of the proposed dwellings.
- The ecological assessment is for another location.
- Additional housing is not required in the area.
- The development would result in a build-up of traffic on High Street.
- Concerns relating to loss of village character/impact on strip fields.
- Layout allows future development to the north of the site.
- No mention of Historic Environment Search having been undertaken.
- Potential for archaeological remains.

Neutral:

- If approved, there will be a need for a surfaced footpath and street lighting between the site and the village.
- Amendments to the 30mph zone may be required.
- Development will not overly impact the village.
- Affordable homes form part of the development.
- Proposed development is well-contained within the site boundaries.
- Concerns about precedent of agricultural land being used for development.

In support:

- The proposal is in a suitable location.
- It will help to support the village shop.
- Would like to see installation of a footpath between the site and the village.
- Would like materials to be similar to The Shippons [to the west of the site].
- The layout is good.
- Would like to see more housing to attract more families.
- Affordable housing will be beneficial to the community.
- Hedges will be retained and will benefit from additional planting.
- Allows for a wide range of eventual occupants.

8.0 ENVIRONMENT IMPACT ASSESSMENT (EIA)

- 8.1 The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

9.0 MAIN ISSUES

- 9.1 The key considerations in the assessment of this application are:

- Principle of development
- Housing mix
- Impact upon the character and appearance of the site and wider countryside
- Impact upon the amenity of neighbouring properties
- Highway safety
- Drainage

- Green infrastructure
- Heritage matters
- Other matters

10.0 ASSESSMENT

Principle of Development

- 10.1 Stillington is identified within the settlement hierarchy in Policy S3 as a Service Village and so is considered to have the ability to support sustainable development due to the concentration of services and facilities within the village. However, the site is considered not to be adjacent to the built form of the settlement, with Townend Pond forming a break between the main built form of the settlement and the development beyond. This is consistent with Policy S5, where the built form is described as “the closely grouped and visually well related buildings of the main part of the settlement and land closely associated with them”, which does not describe the site. Further, S5(c) identifies edge of settlement land which relates more closely to the countryside as falling outside of the built form. It is therefore considered that the site is set within the open countryside.
- 10.2 As a result of the above, the policy cannot be assessed against Policy HG5, which requires windfall development to be set either within a settlement or adjacent to the built form. The assessment of the scheme must therefore be made against Policy HG4.
- 10.3 HG4 relates to housing exceptions, i.e. proposed development found outside of identified settlements and within the open countryside. This includes fully affordable schemes adjacent to the built form of a settlement, homes for rural workers, replacement dwellings and proposals for Paragraph 80 dwellings, subdivision of an existing dwelling, and optimum viable use of a heritage asset. None of the above apply to this scheme and it is therefore considered that the proposal does not benefit from the support of HG4.
- 10.4 As the site is within a rural parish and is for the provision of more than four houses, it is required by Policy HG3 that an affordable housing allocation of 30% is provided within the scheme. As the proposal is for eight dwellings, the amount of affordable housing required within the site is calculated at 2.4 dwellings. The supplied design and access statement identifies two units as affordable, with the tenure being split between a unit for discounted sale and the other for social rent. The remaining .4 will consist of associated contributions.
- 10.5 HG3(c) asks that a mix of affordable tenure is provided, though due to the scale of the proposed development, it is not possible to achieve the mix outlined within the policy. HG3 identifies intermediate housing (such as discount market dwellings) as the lowest priority form of affordable housing, though this is balanced by the inclusion of a unit for social rent, which is given the highest priority. As a result, it is considered that HG3(c) has been met to the extent that can be expected from a scheme of this size.
- 10.6 Current figures taken from housing relating to affordable housing within the Easingwold sub-area reveal that there is a significant requirement for one- and two-bedroomed units, with a shortfall of 112 one-bedroomed units and 68 two-bedroomed units. Further, there has not been an approval including affordable units within Stillington proper since 2014.
- 10.7 The affordable units are set next to each other at the eastern perimeter of the site, contrary to HG3(d), though this may be due to the scale of the proposal and the particular design constraints of the development (the scheme has been designed as a faux-farm conversion). Despite this, the design and materials are to be the same employed within the remainder of

the development and so will be externally indistinguishable from other units, in accordance with HG3(e).

- 10.8 It has been relatively uncommon to receive a development of such scale as to require affordable housing within Stillington and so there has been a dearth of affordable units within the settlement, a pattern which has been reflected in the Housing figures for the wider Easingwold sub-area. Despite the positioning of the affordable units towards the periphery of the site, it is considered that the development is providing a policy-compliant mix of tenures in a settlement which has seen no affordable housing for a decade and which helps to address a shortfall in affordable 1-bedroom and 2-bedroom units within the sub-area. As such, it is considered that significant weight can be applied in this instance to the inclusion of affordable housing.

Housing Mix

- 10.9 HG2 requires that a housing mix in terms of size, type and tenure is provided, in accordance with the Council's Housing and Economic Needs Assessment (HEDNA), Strategic Housing Market Assessment (SHMA) and successor documents (e.g. the Housing SPD). Four of the proposed dwellings are to be one storey or one-and-a-half storey and therefore can be classified as "bungalows". The proposed mix of three two-bedroomed bungalows and a single three-bedroomed bungalow would, in a broad sense, meet the requirements of the Housing SPD. The SPD does identify a need for bungalows within the former Hambleton district, and at Para. 3.8 specifies that the need for two-bedroomed units is more pronounced, stating that three-bedroomed units will be supported "where they meet an identified need". However, a need for three-bedroomed units has not been identified within the supplied material.
- 10.10 Additionally, support for the development of bungalows is dependent on their scale, with Para. 3.8 identifying a need for "smaller accommodation" and it is also anticipated in the SPD that three-bedroomed units will be "of an appropriate size". The bungalows within the scheme are relatively large, with each unit being in excess of 65% beyond NDSS, which is contrary to the wording of the SPD. However, the two-storey houses within the scheme are largely compliant (being below 40% beyond NDSS), with the only exception being the large unit to the rear of the site (which is 105% beyond NDSS).
- 10.11 Whilst it is acknowledged that the above does not represent an ideal mix in terms of scale, there is an acknowledgement that the proposal includes an appropriate mix in terms of bedrooms, with the majority of the development consisting of two-bedroom and three-bedroom units, consistent with the requirements of the SPD.
- 10.12 The proposed dwellings are all NDSS compliant, in accordance with HG2(g).
- 10.13 As a result of the above, the degree to which the scheme accords with HG2 is not total. For instance, elements such as housing mix and the provision of two-bedroomed bungalows offer compliance with the Housing SPD to a large extent, the impact of which is diminished somewhat by the scale of some of the dwellings, which does not appear to accord exactly with the aims of the SPD. However, the proposed scale of a number of the units is not considered to outweigh the general compliance with the policy and it is considered that, on balance, Policy HG2 is met in this case.

Impact on Character and Appearance of the site and wider countryside

- 10.14 The NPPF at Paragraph 135(c) asks that developments are sympathetic to local character, including the surrounding built environment and landscape setting. This is carried through into Policies E1 and E7 of the Local Plan. Policies E1(a) and E1(b) ask that developments respond positively to their context and draw inspiration from their surroundings and that they respect and contribute positively to local character, identity and distinctiveness.
- 10.15 The proposal is arranged to suggest that the development originated as a farm conversion, with a variation in building form throughout the site to suggest varying former uses for the buildings (barns, worker's cottages, etc.). The relatively simple forms and designs of the units help to support this approach, with the limited and irregular glazing employed within the single-storey units being consistent with those found in barn conversions. The proposed use of brick and pantile would be consistent with the local vernacular and the details of these, in addition to windows, etc. could be controlled via condition.
- 10.16 The faux-farm conversion effect is also expressed in the layout, where Units 5 and 6 create a farmyard-style space. The layout also respects the informal build-line set by Owlwood House to the east, with the southern row of dwellings remaining level with this, whilst also keeping the build line to the north which was set by the barn conversions (The Shippons) to the west. Building in depth to the degree proposed within this application is not generally encouraged, particularly within a strongly linear settlement such as Stillington, however framing the development as a conversion of an agricultural unit helps to respond to the site context. Further, the site has been designed to allow some degree of interplay with The Shippons, bolstering the illusion of being a former agricultural site and allowing the mitigation of any harm cause to the local character through the depth of the development.
- 10.17 Due to its position adjacent to the highway and at a main throughfare into and out of the settlement, the site will be visually prominent. Policy E7 seeks to ensure that a development will "protect and enhance the distinctive character of settlement...by ensuring that the development is appropriate to, and integrates with, the character and townscape of the surrounding area". It has been discussed above the means by which the proposed layout seeks to integrate with its surroundings, and this is further assisted by the use of single-storey development throughout the site and the preservation of a gap within the centre of the site, both of which allows for views "through" the development. Further, the site is relatively loosely developed, with a density (of 15 dwelling per hectare – approx. half the national average of 31) does not necessarily urbanise the edge-of-settlement location.
- 10.18 The landscaping scheme incorporates a reasonable visual buffer to the south in the form of retaining the existing hedge, which will allow for screening of the development, and this will be further improved by the establishment or retention of hedgerow around the entire perimeter of the site. The use of planting will help to soften the visual impact of the development somewhat and the sporadic siting of trees, rather than the planting of a bank, ensures that the planting will not intrude on the open quality of the surrounding landscape.
- 10.19 It is considered that the visual impact on the local area and impact on the character and appearance on the countryside will be managed to a large degree by the proposed layout, form and landscaping. Despite the intrusion into the countryside, the approach to the layout and design of the site, in conjunction with the landscaping and retained visual

permeability of the scheme, help to limit the impact on the character and appearance of the area. The proposed incorporation of a footpath is largely within the site with a very short length extending into the countryside of which it is considered that there would be minimal harmful impact.

- 10.20 The proposed development pays sufficient regard to the character and appearance of Stillington and the open countryside and is considered to be in accordance with Policies S1, S5, E1, E7.

Amenity

- 10.21 The site is not within proximity of any building which is considered to be a potential source of noise, odour, light or pollution. Additionally, the proposed units are not considered to be so close to each other as to cause overbearance or issues of privacy and each unit has adequate private amenity space. The site is sufficiently distant from neighbouring properties as to not result in any neighbour amenity concerns.
- 10.22 Comments have expressed a concern relating to the impact on privacy within Owlwood House's garden area. Owlwood House benefits from a large amount of amenity space and the bulk of views from Units 1 and 2 will be oblique, limiting impact on privacy to a large extent. Further, Unit 1 does not have any side windows within the eastern elevation, which can be maintained via condition.
- 10.23 The Environmental Health team do not have any concerns regarding the site and whilst the Council's Scientific Officer has identified several items of note they have no objections to the scheme, provided that any grant of planning permission is adequately conditioned.
- 10.24 The proposal is therefore considered to accord with Policy E2.

Highway Safety

- 10.25 There is provision of parking within the proposal. The number of spaces that have been allocated to each dwelling are sufficient to accord with NYC Highways parking standards for properties in a rural area.
- 10.26 The Highways Authority have been consulted and have provided conditions and informatives based on the vehicular access. As detailed in Paragraphs 3.6 to 3.8 of this report, amended plans showing details of the highway safety measures (including a footpath and an altered, enlarged 30mph zone) have been provided, based on early consultation with the Highways Authority. The Highways Authority have been formally consulted on the amendments but have not yet formally provided a consultation response. The Highways Authority consultation response will be updated to members via the late papers/update list or report verbally to members at the planning committee meeting. However it is considered that the broad visibility splays available to the crossing points and the extension of the 30mph zone would not harm existing or proposed highway safety.
- 10.27 It is considered that the application meets the requirements of Policy IC2.

Drainage

- 10.28 A percolation test has been provided as part of the submission which demonstrates the suitability of the site for drainage via soakaway. It is considered that a suitable drainage scheme can be achieved via imposition of a condition. A representation has made

reference to flooding within the site, but the site is not within a fluvial flood zone and is not in an area of identified risk from surface water flooding. The proposal would not have an adverse impact on the quality of the water resources or surface/groundwater in the area and is therefore consistent with Policies RM1, RM3 and RM5.

Green Infrastructure

- 10.29 The site is within the Howardian Hills Green Corridor. The proposal would have a mild positive impact on existing green infrastructure – the field is currently in agricultural use and so its ecological value is relatively limited whereas the proposed landscape buffer and planting will provide a small increase in biodiversity and viable habitats. As such, it is consistent with Policy E4.
- 10.30 A BNG assessment was provided with the submission which demonstrated a 10.75% gain in habitat units. An ecological report did not identify any priority habitats or species within the site and provided recommendations which could be used within conditions. Whilst the Preliminary Ecological Assessment is titled “Land North of South Back Lane, Stillington” the map at Fig. 1 clearly shows the proposed site and so it is considered to relate to the application.

Heritage Matters

- 10.31 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The NPPF requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset. Policy E5 also requires the loss or harm to a designated heritage asset to be weighed within the planning balance.
- 10.32 The site is within 40m of Stillington's Conservation Area, which incorporates Townend Pond to the east. It is considered that the limited, largely single-storey form of the development, the proposed and existing screening and the visual intervention between the two sites provided by Owlwood House mitigates any potential visual impact that the scheme may have on the Conservation Area.
- 10.33 Whilst the proposal incorporates a portion of field which is laid out in a historic strip-field pattern, this will remain mostly legible, with the northern boundary hedge the only obfuscation of the historical land pattern. Historic England's Aerial Archaeology Mapping Explorer has been consulted to check for identified archaeological details relating to the site but did not return any information which suggests that the site is not of any particular archaeological value.
- 10.34 Given the lack of immediate visual impact on the Conservation Area, it is considered that the proposal will have a neutral impact on the heritage asset, resulting in no harm and is therefore compliant with Policies S7 and E5.

S106 Legal Agreement

- 10.35 Whilst a draft legal agreement has not been submitted it has been agreed with the applicant that the affordable housing provision would be required to be secured via a S106 agreement. The following Heads of Terms are considered to be appropriate for this application:

<u>Category/Type</u>	<u>Contribution</u>	<u>Amount and Trigger</u>
Affordable Housing	2 dwellings, 1 for social rent 1 for discount market sales	Affordable housing scheme/Transfer Linked to phased occupation.
Monitoring	S106 Monitoring	£500 index linked, prior to occupation.
Highways Improvements	Provision of highways assessment, pedestrian footpath and crossing, relocation of speed signage	Amount to be determined, linked to phased occupation.
Commuted Sum	0.4 of an affordable unit (1 bed, 2-person dwelling – 50m ²).	To be calculated/Linked to phased occupation.

- 10.36 It is considered that the above S106 Heads of Terms are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and as such complies with the Community Infrastructure Levy (CIL) Regulations 2010.

Other Matters

- 10.37 There have been references to the quality of the land with regard to its agricultural grading and capacity to support the growing of crops. Government mapping suggests that the field falls within an area of Grade 3 land, though without identifying a sub-grade within the Grade 3 classification. Though Policy S5 suggests that Grade 3a land should not ideally be built upon, this relates to “significant development”. Whilst there is no definition of “significant development” within the Local Plan, it is reasonable to assume that this refers to major applications, which this application is not. As such, there is no conflict with Policy S5 in this regard.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 It is considered that the proposed development accords with the requirements of Policies HG2, HG3, S7, E1, E2, E3, E4, E5, E7, IC2, RM3 and RM5. The design, layout and form of the proposal would not harm the character and appearance of the surrounding area and it will be able to accommodate appropriate mitigation of any ecological impacts resulting from the development of the site. Further, no undue harm is considered to be caused to surrounding residents and the potential for negative residential amenity impacts on any future residents in minimal.
- 11.2 However, the proposal does not accord with Policies S1, S3, S5, HG4 or HG5. The proposal is set outside of the built form of an identified settlement and is not considered to be adjacent to a settlement’s built form and so is classified as being in the open countryside. Paragraph 84 of the NPPF states that decision makers should “avoid the development of isolated homes in the countryside” unless a number of exceptions are met, which they are not in this case. It is therefore considered that the site represents unsustainable development in the countryside under the terms set out within the Local Plan and the NPPF.

- 11.3 Despite the above, however, the relationship between the site and Stillington is relatively strong and, whilst this would not normally be sufficient to outweigh non-compliance with the above policies, weight can be given to the provision of affordable housing within the scheme. As Stillington has not benefitted from any additional affordable units since 2014 and, given the significant requirement for one- and two-bedroom units within the Council's affordable housing demand for the Easingwold sub-area, the weight that can be apportioned to this aspect is significant. Additionally, it is held that the highway improvements would increase highway safety in the area and link a number of existing dwellings (The Shippons) to the settlement, increasing the sustainability of those houses.
- 11.4 As the scheme would result in the provision of two affordable units and is deemed to be designed in such a manner as to limit wider harms to the character and appearance of the settlement, Conservation Area and wider countryside, it is considered that the planning balance is weighted in favour of support on this occasion.

12.0 RECOMMENDATION

- 12.1 That members be minded to **GRANT** planning permission subject to the applicant entering into a legal agreement under section 106 of the Town and Country Planning Act to secure affordable housing and highway improvements and subject to the imposition of the below listed conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered 3992/PD/01, 3992/PD/03 Rev. C., 3992/PD/12 Rev. A., 3992/PD/04 Rev. A, 3992/PD/05, 3992/PD/06, 3992/PD/07, 3992/PD/08, 3992/PD/09, 3992/PD/10, 3992/PD/11, 3992/PD/13 received by the Council on 08.07.24, 31.10.24 and 05.12.24 unless otherwise approved in writing by the Local Planning Authority.

Reason: In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1, S7, E1 and E5.

3. No above ground construction work shall be undertaken until details of the materials to be used in the external surfaces of the approved structures and hard surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

Reason: In the interests of the visual amenity of the area in accordance with Local Plan Policies E1 and E5 and to ensure that the proposal does not contribute to existing drainage issues in accordance with Policy RM3.

4. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels

shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

Reason: In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.

5. There must 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 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 the interests of Highway Safety in accordance with Policy IC2.

6. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited to, arrangements for the following in respect of each phase of the works:

- i) details of any temporary construction access to the site including measures for removal following completion of construction works;
- ii) wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- iii) the parking of contractors' vehicles;
- iv) measures to manage the delivery of materials and plant to the site including the routes and timings of deliveries and provision of loading/unloading areas;
- v) areas for storage of plant and materials used in constructing the development clear of the highway;
- vi) details of site working hours;
- vii) a detailed method statement and programme for the building works; and
- viii) contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity in accordance with Policies E2 and IC2.

7. The development must not be brought into use until the access to the site has been set out and constructed in accordance with the following requirements:

- The crossing of the highway verge must be constructed in accordance with the approved drawing 3992/PD/03 Rev. C and Standard Detail number A1.
- 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 highway.
- The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing public highway.

All works must accord with the approved details.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users in accordance with Policy IC2.

8. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users have been constructed in accordance with the approved drawing reference 3992/PD/03 Rev. C. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with Local Plan Policy IC2.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

Reason: To ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity of the development in accordance with Local Plan Policy IC2.

10. No development shall be commenced until a Phase 2 assessment of the risks posed by contamination, carried out in line with the Environment Agency's Procedures for Land Contamination Risk Management (LCRM), has been submitted to and approved 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, neighbours and other offsite receptors in accordance with Policy E2.

11. Prior to development, a detailed remediation scheme (if required by a Phase 2 assessment) to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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 offsite receptors in accordance with Policy E2.

12. Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of 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, neighbours and other offsite receptors in accordance with Policy E2.

13. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of 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, neighbours and other offsite receptors in accordance with Policy E2.

14. There shall be no external lighting installed until full details of the proposed lighting scheme have been submitted to and approved by the Local Planning Authority.

Reason: In the interest of neighbour amenity and to assess the landscape impact of the proposal in accordance with Policies E2 and E7.

15. Prior to development, measures (including protective fencing, etc.) to protect the existing hedges and trees within the site shall be submitted for approval to the Local Planning Authority. The approved scheme shall then be carried out in the approved manner for the duration of the works.

Reason: To ensure the continuity of amenity afforded by existing hedges in accordance with Policies E1 and E7.

16. All existing hedges and trees shall be retained, unless shown on the approved drawings as being removed. Any parts of hedges or hedgerows removed without the Local Planning Authority's consent or which die or become seriously diseased or otherwise damaged within five years following completion of the approved development, shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as specified by the Authority.

Reason: To ensure the continuity of amenity afforded by existing hedges in accordance with Policies E1 and E7.

17. No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the structure(s), whichever is the sooner, unless a landscaping scheme received and approved by the Local Planning Authority has been carried out in addition to any required Biodiversity Net Gain planting.

Reason: In order to soften the visual appearance of the development and in the interests of enhancing the biodiversity of the site in accordance with Local Plan Policies E1, E3 and E7.

18. Prior to the commencement of development, a landscaping and biodiversity net gain scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide a) a landscape scheme including details of any change in surfacing materials and any planting schemes and shall show the retention of any significant existing landscape features and shall provide b) details to show how a 10% net gain of biodiversity will be achieved on site using the DEFRA biodiversity metric 3.1 (or the latest published

version) and include a programme of work and subsequent maintenance arrangements. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: To ensure the requirements of Policy E3 are met in full.

19. Construction activities which are audible beyond the site boundary, including deliveries, ground works and earth movements, shall be restricted to the following days and times:

- 08:00 – 18:00 Monday to Friday
- 08:00 – 13:00 Saturday

Construction shall not be undertaken on a Sunday or a public holiday.

Reason: To mitigate, and reduce to a minimum, adverse impacts on health and quality of life arising from pollution in accordance with Hambleton Local Plan Policy E2.

20. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement, improvement or other alteration shall be carried out to the dwellings or buildings nor shall any structure be erected within or on the boundary of the curtilage of the dwellings hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.

Reason: In order to ensure the character and appearance of the development does not harm that of the open countryside and to prevent any development which would impact the amenity of neighbouring properties in accordance with Local Plan Policies S1, E1, E2 and E7.

21. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

The drainage scheme shall not be implemented until details of the implementation and adoption of the drainage system have been submitted to and approved in writing by the local planning authority.

Reason: In the interest of satisfactory and sustainable drainage, in accordance with Hambleton Local Plan Policies RM1 and RM3.

22. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network) in accordance with Local Plan Policies RM1 and RM3.

23. The details set out in Part 6.3 of the Preliminary Ecological Appraisal (PEA) Survey Report (Written 12.04.24), submitted to the Council on 08.07.24, shall be carried out in accordance with the recommendations of the ecologist.

Reason: In order to limit impact on wildlife and habitats within the site in accordance with Local Plan Policies E3 and E4.

Informative:

1. NYC Highways - Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.

Target Determination Date: 30th September 2024.

Case Officer: Mr Connor Harrison, Connor.harrison@northyorks.gov.uk

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North Yorkshire Council

Community Development Services

Thirsk and Malton Area Planning Committee

19 December 2024

ZB23/02537/MRC – Application for the modification of condition 22 of approved application: 16/02240/FUL

At Bagby Airfield, Bagby, North Yorkshire

For: Mr M Scott

Report of the Head of Development Management – Community Development Services

1.0 PURPOSE OF THE REPORT

- 1.1 To determine an application submitted under Section 73 of the Town and Country Planning Act to seek to vary condition 22 of planning permission: 16/02240/FUL at The Airfield, Bagby.
- 1.2 The application is considered appropriate to be determined by the Planning Committee due to the proposal raising significant planning issues as considered by the Director of Community Development.

2.0 SUMMARY

RECOMMENDATION: That Planning Permission be **GRANTED** subject to the conditions set out in Section 12 of this report.

- 2.1 On the 30 July 2019 Hambleton District Council approved planning permission for the “Change of use and external alterations of the engineering building to be used as a clubhouse and control tower, erection of a new tractor shed, erection of a new hanger, formation of a new access drive, the introduction of hard and soft landscaping and amended on 14 March 2018 to include the creation of a fixed fuel facility and the use of Hangar B for aircraft maintenance. Works include the demolition of the existing clubhouse; control tower, hangars and storage buildings and partial demolition of one other hanger. Air movements to be capped at a maximum of 8,440 per annum”.
- 2.2 Several conditions were imposed on the planning permission in order to control the type of aircraft movements in and out of Bagby Airfield. Condition 22 was imposed to control the type of fixed wing aircraft allowed to operate out of Bagby Airfield. Condition 22 states the following:

“No fixed wing aircraft may operate at other than in accordance with the following requirements:

- 1.a) In the case of aircraft with Noise Certificate in the UK under Chapter 6 Noise Register with a maximum overflight limit of 79.6Db(A) or

b) In the case of aircraft with Noise Certificate on the UK register under Chapter 10 Noise with a maximum overflight limit of 82.7Db(A).

Fixed Wing	Movement	Limit dB(A)
Chapter 6	Overflight	79.6
Chapter 10	Overflight	82.7

c) In circumstances where fixed wing aircraft do not have a noise certificate on the UK register no aircraft with a certified Maximum Take Off Weight (MTOW) of greater than 2,730KG may operate.

(The relevant data for UK Registered aircraft is available on the G-INFO website)

2. Aircraft that do not meet the terms of 1.a) or b) may only operate on notified fly-in days where they are proved to have at two of the three characteristics:

- a) The aircraft was first manufactured more than 50 years prior to the current date;
- b) They do not currently have an internationally recognised certification basis;
- c) They can evidence that the aircraft (or their type) were at one time, on a military register.

Any aircraft operating under 2 above shall not arrive more than 48 hours prior to the commencement of a Fly-in day. The aircraft may not depart from an return to the Airfield prior to or during the Fly-in day. The aircraft shall leave either on the date of the Fly-on day or at the earliest reasonable opportunity thereafter consistent with weather related conditions, at Bagby, their intended destination, any diversion and the en-route weather. No return shall be permitted after departure from the Fly-In day.

2.3 The applicant is proposing to vary condition 22 to the following wording, proposed amendments are highlighted in bold below:

No fixed wing aircraft may operate at other than in accordance with the following requirements:

- a) In the case of aircraft with Noise Certificate in the UK under Chapter 6 Noise Register or a published noise certificate or compliance with the EASA noise database with a maximum overflight limit of **79.7 dB(A)** or,
- b) In the case of aircraft with Noise Certification on the UK register or a published noise certificate or compliance with the EASA noise database under Chapter 10 Noise (original implementation) with a maximum overflight limit of **87.6Db(A)**, and for the later Chapter 10 Noise Certification an overflight limit of **84.6 dB(A)**.
- c) In circumstances where fixed wing aircraft do not have a Noise Certificate on the UK register or a published noise certificate or compliance with the EASA noise database no aircraft with a certified Maximum Take off Weight (MTOW) of greater than 2,730kg may operate.

2. Aircraft that do not meet the terms of 1.a) or b) may only operate on notified fly-in days where they are proved to have at two of the three characteristics:

- d) The aircraft was first manufactured more than 50 years prior to the current date;
- e) They do not currently have an internationally recognised certification basis;
- f) They can evidence that the aircraft (or their type) were at one time, on a military register.

Any aircraft operating under 2 above shall not arrive more than 48 hours prior to the commencement of a Fly-in day. The aircraft may not depart from and return to the Airfield prior to or during the Fly-in day. The aircraft shall leave either on the date of the Fly-on day

or at the earliest reasonable opportunity thereafter consistent with weather related conditions, at Bagby, their intended destination, any diversion and the en-route weather. No return shall be permitted after departure from the Fly-In day.

- 2.4 The applicant has provided technical data supporting the reasoning that the applicant considers a variation to the condition is justified. The Council have also sought professional aviation advice from York Aviation who subsequently appointed a noise consultant, Bickerdike Allen Partners (BAP) (Noise Consultants) to provide advice on the proposed amended condition.
- 2.5 The purpose of condition 22 is to restrict the type of aircraft that are allowed to land and take off from the Airfield based on the noise performance of the aircraft. Therefore, the proposed varying of the condition to increase the noise limitations would allow different aircraft to land and take off from the Airfield.
- 2.6 Furthermore, one of the reasons for the application is that any aircraft that is not registered in the UK database can only land at the Airfield as long as it does not exceed 2,730kg in Maximum Take off Weight. The Airfield had a period of time where an aircraft known as a Kodiak with a Canada registration was flying in and out of Bagby Airfield. It was considered that as the aircraft exceeded the maximum take-off weight it was technically not allowed to fly in and out of Bagby Airfield. However, this aircraft is now becoming a common aircraft produced outside of the UK and therefore the proposed alteration to the condition seeks to enable this type of aircraft to land and take off from the Airfield.

3.0 PRELIMINARY MATTERS

- 3.1 Access to the case file on Public Access can be found here: [Planning documents](#)

Planning history

- 3.2 16/02240/FUL - Change of use and external alterations of the engineering building to be used as a clubhouse and control tower, erection of a new tractor shed, erection of a new hangar, formation of a new access drive, the introduction of hard and soft landscaping and amended on 14 March 2018 to include the creation of a fixed fuel facility and the use of Hangar B for aircraft maintenance. Works include the demolition of the existing clubhouse, control tower, hangars and storage buildings and partial demolition of one other hangar. Air Movements to be capped at a maximum of 8,440 per annum. - Approved 30 July 2019.

18/00524/FUL - Retrospective application for the temporary siting of a portable aircraft engineer's office and document storage cabin – Approved 30 July 2019.

20/00766/MRC - Application for variation of condition 1 for approved application 18/00524/FUL - The condition to be varied to extend the date to which the planning permission is valid until for one year from the approval of this application, or upon completion of Hangar B. – Approved 5 June 2020.

21/00081/FUL - Retrospective application for an access road off Bagby lane to provide access to the airfield – Approved 7 June 2021.

21/00668/FUL - Retrospective extension to Hangar A and proposed hard standing adjacent to Hangar A – Refused on 22 October 2021 – Allowed on Appeal.

21/01058/FUL - The retention of 2 temporary hangers on site for a use for aircraft storage and ancillary storage of airfield machinery and equipment for a period of 24 months – Refused on 22 October 2021 – Allowed on Appeal.

21/01243/FUL - Retrospective and proposed concrete alterations to existing runway, reinforced geotextile matting to runway and earthworks to facilitate drainage – Refused 22 February 2022 – Allowed on Appeal.

21/01709/FUL - Retrospective application for hardstanding, associated drainage, door and walkway to Hangar C1 and proposed lean-to for office to Hangar B – Approved 22 February 2022.

21/02087/FUL - Retrospective siting of fuel pump and fuel bund – Refused 22 February 2022.

22/01387/FUL - Proposed replacement hangar door and relocated windsock – Approved 14 April 2023.

ZB23/00807/FUL - Retrospective planning permission for the erection of a pole mounted CCTV security system – Approved 17 May 2023.

ZB24/00064/FUL - Application for proposed development of Bagby airfield to include:- demolition and rebuild of hangar G; extension and external alteration of Hangar F; demolition of the existing maintenance facility and erection of a new facility to form a ground floor Museum Hangar with first floor accommodation; Retrospective consent for the construction of a new clubhouse following demolition of the existing clubhouse and control tower; construction of a new control tower and new Tractor Shed/Workshop; demolition and replacement of two temporary Hangars with a New Hangar; creation of a new aircraft electric charging point; extension to the runway geotextile tiling; hard and soft landscaping and creation of a new bowser. – Pending consideration.

4.0 SITE AND SURROUNDINGS

- 4.1 Bagby Airfield occupies a piece of land to the south and south west of the village of Bagby. The land lies east of the A19 and is currently accessed via an access track that leaves the Main Street of Bagby to the west of the village. The site is about 500m from the southern edge of the village of Bagby.
- 4.2 The Airfield occupies 15.6 hectares. The land is in use for the purposes of operating an airfield. Some of the surrounding land is fallow and other parts of the application site continue to be used for arable agricultural purposes.
- 4.3 Boundaries to the land around the Airfield are formed by hedges of varied species and heights. The north, south and west boundaries have substantial hedges, the eastern end of the airfield is not fully bounded by hedgerows. Local landform allows some views of the central and western end of the airfield from viewpoints to the west but changes in ground levels, hedgerows and trees shield the remainder of the airfield from public view.
- 4.4 In addition to the relationship with Bagby, there are dwellings to the south west, south and south east of the application site and notably in the vicinity of the village of Great Thirkleby and Thirkleby Hall Caravan Park (630 metres to the south east) that are potentially affected by activities at the airfield (in particular noise).
- 4.5 Beyond the boundaries of the application site of the Airfield the land is in agricultural use except for the children's play area on Bagby Lane, which is located beyond the northern edge of the Airfield land.

5.0 DESCRIPTION OF PROPOSAL

- 5.1 The description of the proposal is detailed in full within the Summary Section of the report. The purpose of this application is to seek to alter condition 22 of planning permission 16/02240/FUL. Condition 22 was imposed to restrict the type of aircraft that are allowed to land and take off from the Airfield based on the noise performance of the aircraft. The applicant is proposing to vary this condition to allow a different type of aircraft to land and take off from the Airfield.
- 5.2 During the operating times that the Airfield is allowed to operate, any aircraft that is not registered in the UK database can only land at the Airfield as long as it does not exceed 2,730kg in Maximum Take off Weight. The Airfield had a period of time where an aircraft known as a Kodiak with a Canada registration was flying in and out of Bagby Airfield. It was considered that as the aircraft exceeded the maximum take-off weight it was technically not allowed to fly in and out of Bagby Airfield. However, this aircraft is now becoming a common aircraft produced outside of the UK and therefore the proposed alteration to the condition seeks to enable this type of aircraft to land and take off from the Airfield.
- 5.3 As part of the application the applicant has provided technical data supporting the reasoning that the applicant considers a variation to the condition is justified. The Council have also sought professional aviation advice from York Aviation who subsequently appointed a noise consultant, Bickerdike Allen Partners (BAP) (Noise Consultants) to provide advice on the proposed varied condition.

6.0 PLANNING POLICY AND GUIDANCE

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2 The Adopted Development Plan for this site is the Hambleton Local Plan (adopted February 2022).

Emerging Development Plan - Material Consideration.

- 6.3 The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.
- 6.4 Relevant guidance for this application is:
- National Planning Policy Framework 2023
 - National Planning Practice Guidance
 - General Aviation Strategy 2015
 - ICAO document Annex 16 Environmental Protection Volume 1 Aircraft Noise

7.0 CONSULTATION RESPONSES

The following consultation responses have been received and have been summarised below.

- 7.1 Historic England – No objections.

- 7.2 Health and Safety Executive – No objections.
- 7.3 National Grid Gas Transmission – No objections.
- 7.4 North Yorkshire (Archaeology) - No objections.
- 7.5 Ministry of Defence – No objections.
- 7.6 Thirkleby High & Low Osgoodby Parish Council object to the application. They state that the change will allow larger aircraft to visit this airfield which will result in more disturbance to local residents.
- 7.7 Bagby Parish Council object to the application. They state that the modification to the condition will allow larger commercial operation to take place at the Airfield. This is demonstrated over the years by the gradual increase in length of the runway, change in material of the runway from matting to concrete all to accommodate larger aircraft.
- 7.8 Civil Aviation Authority – No objections.
- 7.9 Environmental Health have commented on the application stating the following:

From an Environmental Health perspective, our objective as a non-statutory consultee is to evaluate the potential impact on local amenity from proposed planning applications. In this instance we need to be satisfied the proposed increases in over-flight noise will not have any significant impact on local amenity in the vicinity of Bagby Airfield.

In terms of the proposal for Chapter 6 aircraft, the proposed increase of 0.1 dB is not deemed significant and our assessment is there will be minimal amenity impact. As a result, we have no grounds not to support this component of the application.

In respect to the proposed increases to Chapter 10 aircraft certified after the 4th of November 1999, the proposed increase of 1.9 dB is deemed not to be significant and being less than 3 dB (a doubling of sound pressure) is likely to be imperceptible from the normal operational noise footprint from operations at the airfield. As a result, we have no grounds not to support this component of the application.

In terms of the proposed increases to Chapter 10 certified aircraft, there is concern that the proposed increase for aircraft types certificated between 17th November 1988 and 4th November 1999 does have potential for significant impact on local amenity. An increase of 4.9 dB which is a doubling of sound pressure will be perceptible and will have an impact on amenity. As a result, this department would not support the proposed increase for Chapter 10 aircraft certificated between 17th November 1988 and 4th November 1999.

- 7.10 No comments have been received from:

- National Air Traffic Control
- Campaign to Protect Rural England.

Local Representations

- 7.11 33 local representations have been received of which 23 are in support and 10 are objecting. A summary of the comments is provided below, however, please see website for full comments.

Support

- The proposal represents an important step forward for air transport, stimulating business activity, and creating new jobs and training opportunities
- A slight amendment to the rules will assist the Airfield with no additional flights beyond what is already allowed
- This a simple correction which inadvertently excluded certain aircraft registered differently from other aircraft that have the same characteristics
- These non-G-Registered aircraft have the same landing area requirements the same noise levels the same taxi-ing ability and the same fuel as the ones already approved
- It will be attractive to visitors
- This alteration will make it easier from the Council and the Airfield to monitor and determine all aircraft movements

Objections:

- This will allow larger aircraft to land on a hobbyist airfield and is very close to a Children’s Playground.
- Increased noise pollution from larger aircraft and subsequent traffic to an in infrastructure that isn’t adequate.
- Larger aircraft will be allowed to use the Airfield which already has a poor safety record.
- The current radar monitoring system has been shown to be inaccurate when checked against pilot logs.
- The proposal to allow larger aircraft to visit the site will have an impact on the local environment and wildlife.
- Object to the chapter 10 overflight noise limit going from 82.7 to 87.6 decibels, as this sizeable increase would have an increase in noise levels in the community
- No business case can exist for an unsafe and potentially illegal operation.

8.0 ENVIRONMENT IMPACT ASSESSMENT (EIA)

8.1 The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

9.0 MAIN ISSUES

9.1 The key considerations in the assessment of this application are:

- Principle of Development
- Impact on neighbouring residential amenity

10.0 ASSESSMENT

Principle of Development

10.1 In determining application’s, the decisions should be taken in accordance with the development plan unless there are material considerations that indicate otherwise. The development plan for Hambleton is the Hambleton Local Plan (Adopted February 2022), of which Policy S1 of the Local Plan states the Council will seek to ensure that development makes a positive contribution towards sustainability of communities, enhances the environment and adapts to am mitigates the impact of climate change.

10.2 The principle of development has already been established in the granting of planning permission reference: 16/02240/FUL and is considered acceptable. The matter to consider

as part of this application is the impact the proposed varied condition would have on the local population in terms of noise and disturbance.

Impact on Residential Amenity

- 10.3 Policy E2 of the Hambleton Local Plan states that all proposals will be expected to provide and maintain a high standard of amenity for all users and occupiers including both future occupants and users of the proposed development as well as existing occupants and user of neighbouring land and buildings. A proposal must ensure that there are no significant adverse impacts in terms of noise, odour and obtrusive light pollution.
- 10.4 The existing Condition 22 refers to 'Chapter 6 Noise' and 'Chapter 10 Noise'. These are set out in the ICAO (International Civil Aviation Organisation) document Annex 16 Environmental Protection Volume 1 Aircraft Noise. This document is split into a series of chapters which relate to different types of aircraft and/or to different periods of time. The noise chapters set maximum noise limits for aircraft types being certificated. This document details all aircraft noise limits which is useful to understand in terms of the type of aircraft that is allowed to land and take off from Bagby Airfield.
- 10.5 Chapter 6 was introduced in 1975 and applies to light propeller aircraft, those with a maximum take-off weight (MTOW) not exceeding 8,618 kg, which were certificated before 17th November 1988. Chapter 10 applies to the newer light propeller aircraft types certificated after 17th November 1988. Chapter 10 was revised to make it more stringent for aircraft types certificated after 4th November 1999.
- 10.6 Compliance with the relevant chapters is tested by the relevant aviation authority, in the case of the UK this is the Civil Aviation Authority (CAA), when a new aircraft type seeks certification. Therefore, an aircraft can be built today for which Chapter 6 applies if the type was first certificated before 17th November 1988.
- 10.7 Chapter 6 and Chapter 10 measure aircraft noise in different ways and at different locations. Because of this Chapter 6 and Chapter 10 noise levels are not directly comparable. Chapter 6 measures the noise from an aircraft overflight at a location on the ground 300 m below the flight path. Overflight is an aircraft flying and measurement taken of the noise it generates as it is in the air. Chapter 10 measures the noise from an aircraft climbing after take-off at a location on the ground 2,500 m from the start of roll (SOR) position. Aircraft are generally louder when climbing, as they require more thrust, therefore the noise limits set out in Chapter 10 are numerically higher than those set out in Chapter 6 to reflect this different procedure. However, BAP (the noise consultants engaged by the Council to provide advice on this application) understand that the original Chapter 10 limits that applied between 1988 and 1999 were intended to be broadly equivalent to those for Chapter 6, although the actual difference in noise level would be expected to vary by aircraft type. Aircraft types are not normally certificated against both chapters, therefore direct comparisons are not generally possible.
- 10.8 The 1999 revision of Chapter 10 did not change the measurement procedure, but the noise limits for new aircraft types were reduced by 6 dB for aircraft up to 570 kg and by 3 dB for aircraft over 1,500kg, with the limit adjusting logarithmically with weight for aircraft with an MTOW of between 570 kg and 1,500 kg. The revised Chapter 10 will be referred to as post-1999, and the original Chapter 10 as pre-1999. For the reasons discussed above the Chapter 6 and Chapter 10 limits are not directly comparable, however in general the post-1999 Chapter 10 limits can be treated as more stringent than the Chapter 6 limits.
- 10.9 The submitted Papa Bravo technical report supporting the proposal, dated 14th November 2023 states that at the limit of 85 dB a post-1999 Chapter 10 aircraft type would be 6 dB quieter than a Chapter 6 aircraft at 80 dB. While the 1999 Chapter 10 limits did reduce by 6

dB for the lightest aircraft covered by the chapters, for the heavier types that the limit of 85 dB applies to the reduction was only 3 dB. However, the noisiest post-1999 Chapter 10 aircraft type should still be quieter than the noisiest Chapter 6 aircraft.

PROPOSED VARIATION

- 10.10 This application made under section 73 of the Town and Country Planning Act includes several proposals. The proposed changes to the noise limits set out in Condition 22 which are:
- 1) An increase in the Chapter 6 limit to 79.7 dB(A) compared to the current limit of 79.6 dB(A).
 - 2) a) An increase in the Chapter 10 limit to 87.6 dB(A) for Chapter 10 aircraft types certificated between 17th November 1988 and 4th November 1999 compared to the current limit of 82.7 dB(A).
 - b) An increase in the Chapter 10 limit to 84.6 dB(A) for Chapter 10 aircraft types certificated after 4th November 1999 compared to the current limit of 82.7 dB(A).
- 10.11 The first change relates to a 0.1 dB increase in the limit for Chapter 6 aircraft. BAP have advised the Council that this limit was originally set based on the noise levels of a Piper 32-260 (type of light aircraft), but that the database used at the time gave a slightly different value for the noise level of this aircraft. The proposed change is not material in noise terms, a change of 0.1 dB is not perceptible.
- 10.12 The limit currently applied at Bagby to Chapter 6 aircraft (79.6 dB) is 0.4 dB lower than the upper limit set out in the ICAO Noise Chapter 6 (80.0 dB). It is proposed that the limit that applies at Bagby to Chapter 10 aircraft should use the same differential of 0.4 dB compared to the upper limits set in ICAO Noise Chapter 10, which are 88.0 dB pre-1999, 85.0 dB post-1999. This results in the proposed limits of 87.6 dB for pre-1999 aircraft types and 84.6 dB for post-1999 aircraft types.
- 10.13 Due to the differences in the Chapter 6 and Chapter 10 procedures the noise levels are not directly comparable, however BAP (the council's appointed noise consultants) understand the pre-1999 Chapter 10 limits are intended to be broadly equivalent to the Chapter 6 limits. The proposed changes would therefore allow pre-1999 Chapter 10 aircraft types to be approximately as noisy as the permitted Chapter 6 aircraft types and would require post-1999 Chapter 10 aircraft types to be at least 3 dB quieter than the permitted Chapter 6 aircraft types.
- 10.14 The proposed changes would not allow aircraft to be noisier than the noisiest Chapter 6 aircraft types currently allowed to operate. However, compared to the current situation the proposed changes allow Chapter 10 aircraft types to be up to 4.9 dB louder if certificated before 4th November 1999 and up to 1.9 dB louder if certificated after 4 th November 1999.
- 10.15 A change of 4.9 dB would be expected to be perceptible to residents in local communities. Due to the magnitude of the change in the limit, there is potential for an impact on the amenity of the population, although this would depend on the proportion of pre-1999 Chapter 10 aircraft in the future fleet and whether the change leads to an increased number of flights.
- 10.16 The proposed change to the Chapter 10 limit for post-1999 aircraft types appears less significant, as it is only a change of 1.9 dB compared to the current situation. The CAA defines changes of less than 3 dB as being imperceptible in normal conditions. In addition

all of these aircraft would still be at least 3 dB quieter than the noisiest currently permitted Chapter 6 aircraft.

- 10.17 BAP (the council's engaged noise consultants) understand that the proposed changes to the limits are partially driven by the Airfield's desire to allow operations by the Daher Kodiak aircraft type (also known as the Quest Kodiak). There are a number of variants of this aircraft type, most of which comply with the existing noise limits. However, certain variants have a Chapter 10 certification noise levels of 83.3 dB, which is 0.6 dB higher than the current limit. As discussed above, a difference of 0.6 dB is unlikely to be perceptible and therefore allowing operations by these variants should not significantly impact local communities. In addition, these variants would still be quieter than the noisiest Chapter 6 aircraft currently permitted. However, the proposed limits would allow even noisier types, particularly the proposed limit for pre-1999 Chapter 10 aircraft which is much higher and is not required for the Kodiak to operate.
- 10.18 BAP advised the Council that it may also be relevant that the MTOW of the Kodiak aircraft variants that exceed the current noise limit is 3,291 kg. Prior to the granting of planning permission of the previous 2016 dated planning application in 2019, the Council had proposed a maximum weight limit of 2,730 kg for all aircraft. York Aviation Limited (YAL) prepared a report titled Bagby Airfield Application and Conditions Review, dated December 2018. In this report, in paragraphs 4.86 to 4.88 it was argued that a weight limit was not necessary, as the loudest aircraft at the time were well below the proposed weight limit and the aircraft operating at that time that were heavier than the proposed weight limit were quieter than the loudest smaller aircraft. This is not the case for these variants of the Daher Kodiak which are heavier than 2,730 kg and are louder than the current noise limits and therefore louder than any Chapter 10 aircraft operating at the time of the previous application. The weight limit that is specified in Condition 22 only currently applies where certification noise levels are not available.
- 10.19 Furthermore BAP have advised the Council that if the Chapter 10 limit for pre-1999 aircraft types is set as proposed, it would be approximately equivalent to the limit for Chapter 6 aircraft. Therefore, no improvement in noise level would be being required for aircraft types certificated between 1988 and 1999 compared to aircraft types certificated between 1975 and 1988. In the covering letter submitted in support of this application prepared by AMS Planning dated 7th December 2023, in the section titled "Protecting Amenity", the application is described as "encouraging modern, intrinsically quieter aircraft and reducing the number of movements of older, noisier aircraft". The proposed pre-1999 Chapter 10 limits arguably fail to do this, by requiring no improvement in the noise level of Chapter 10 aircraft certificated before 4th November 1999 compared to older Chapter 6 aircraft.
- 10.20 Therefore, based on the assessment set out above, the Council advised the applicant that pre-1999 Chapter 10 limits alterations could not be supported as this would fail to protect neighbouring residential amenity. The applicant therefore agreed to alter the proposed amendments to the condition as follows:
1. An increase in the Chapter 6 limit to 79.7Db(A) compared to the current limit of 79.6 Db(A)
 2. (A) An increase in the Chapter 10 limit to 85.7 db(A) for Chapter 10 aircraft types certified between 17th November 1988 and 4th November 1999 compared to the current limit of 82.7 db(A).
 3. An increase in the Chapter 10 limit to 84.6 db(A) for Chapter 10 aircraft types certified after 4 November 1999 compared to the current limit of 82.7 db(A)
- 10.21 In essence this would mean a small variation to point 2 so that the increase would only be 3Db. As appraised above the increase in 3Db(A) is not a significant increase and would

have no impact on the local community in terms of noise following the slight increase in the noise limits. Following this proposed change a further re-consultation took place and no further comments were received. It is therefore considered that the proposed variation to condition 22, as amended, is in accordance with Policy E2 of the Council's Local Plan.

Other Issues

- 10.22 Objections have raised concern that the variation of this condition will allow for larger commercial aircraft to utilise Bagby Airfield. The proposed noise increase in the condition is only for an increase in 3Db. It has been concluded by noise consultants that this is not a significant increase and would have no impact on the local community in terms of noise. Furthermore, the variation of this condition would not allow for larger commercial aircraft to land and take off from the Airfield. This is due to the fact that the condition still has tight controls on larger aircraft which would be unable to land and take off from the Airfield due to the tight noise controls imposed by the Council on the Airfield.
- 10.23 Adjacent the access into the site is a children's playground. As part of planning permission 21/00081/FUL, suitable fencing was erected to prevent any children being able to access the airfield from the playground. Furthermore, aircraft do not fly directly over the playground due to the orientation of the runway and helicopters are not permitted to fly over the village as detailed within an agreed Section 106 agreement as part of planning application 16/02240/FUL. Therefore, it is considered that the users of the playground will not be adversely impacted on by this variation of condition proposal.
- 10.24 As part of the planning permission 16/02240/FUL the airfield was required to have a publicly accessible website which demonstrates aircraft movements. It is noted that when this was first operational there was some anomalies and this was not recording data correctly. However, the system is now running and collecting all the data it should be and is subsequently complying with the relevant condition imposed in regard to data monitoring.
- 10.25 One of the comments provided states that there is no business case for an unsafe and illegal operation. As part of this application, a business case is not required as the principal of development has already been established. The purpose of the application is to establish if the proposed increase in noise would have a harmful impact on the local community. It is considered that the proposed changes are minor and would not impact the local community in terms of any additional noise impact.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 This application seeks to vary the wording of condition 22 pursuant to planning permission 16/02240/FUL. As a result of Brexit and the UK CAA's withdrawal from EASA (European Union Aviation Safety Agency) and the subsequent transfer of registration by a number of UK aircraft operators, the current wording of condition 22 prohibits the transformation and development of Bagby Airfield which centres on encouraging modern, quieter aircraft supplanting older, noisier aircraft in the view of the applicant.
- 11.2 It is considered that the proposed variation to the condition would allow the Airfield to operate within its current parameters and the slight increase in range has been fully appraised by an independently commissioned noise consultant engaged by the Council and the Council's Environmental Health team who advised that the increase would cause no significant noise and disturbance to the local community. The proposal is subsequently considered to be in accordance with Policy E2 of the Council's Local Plan Policies.

12.0 RECOMMENDATION

That planning permission be GRANTED subject to the conditions below

1. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing detailed below received by Hambleton District Council on the dates shown. Site location plan received 28 September 2018; Proposed Site layout received 14 March 2018; Proposed Block plan received 6 October 2016; Proposed Elevation drawings for Hangar A received on 6 October 2016; Proposed Maintenance Facility and Elevations received 14 March 2018; Proposed Hangar C1 received 6 October 2016; Proposed Hangar F received 14 March 2018; Tractor shed received 6 October 2016; Club house received 6 October 2016; Replacement aircraft hangars received 6 October 2016 Fuel facility received on 20 February 2019; Camera and surveillance details received 14 March 2018

Reason: In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the adopted Local Plan Policies S1, E1, E2 and E7.

2. The Aircraft Surveillance Cameras and Virtual Radar approved under discharge of condition application reference no.: 16/02240/DCN shall be maintained in accordance with the approved details and shall provide the data on a freely and publicly accessible website(s).

Reason: In order to ensure that surveillance of aircraft is undertaken to enable records to be kept to ensure that in turn controls over the numbers and tracking of aircraft movements detailed in other conditions and the associated planning obligation can be enforced and so that the amenity of the local population is safeguarded in accordance with the adopted Local Plan Policies S1 and E2.

3. The above ground fuel storage tanks must be sited on impervious bases and surrounded by impervious bund walls in general accordance with details shown on drawing 1452-25 received by Hambleton District Council 20 February 2019. (The bund must have a capacity to contain the largest predictable spillage. A bund capacity of 110% of the capacity of the largest storage vessel located within the bund or 25% of the total capacity of tanks in the bund, whichever is the greater will normally be regarded as the minimum. When estimating the bund capacity the space occupied by other tanks should be taken in account, and there must be a suitable sealed drainage system. Reference should also be made to health and Safety Executive guidance document "HSG 176 Storage of Flammable Liquids in Tanks", which provides additional guidance on the design, construction and drainage of bunds.) The bund shall be retained and maintained in accordance with the industry best practice guidance at all times that fuel is stored within the bund.

Reason: To prevent pollution to the water environment in accordance with the Local Plan Policies S1, and RM5.

4. No oils shall be stored outdoors unless impervious bund walls have been formed in accordance of details previously submitted to and approved in writing by the Local Planning Authority. The bund shall be retained and maintained in accordance with the industry best practice guidance at all times that fuel is stored within the bund.

Reason: To prevent pollution to the water environment in accordance with the Local Plan Policies S1 and RM5.

5. The access hereby constructed shall have splays giving clear visibility of 120 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the

object height shall be 0.6 metres. These visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In accordance with adopted Local Plan Policies S1 and IC2 and in the interests of highway safety.

6. The technical details relating to the bridging/culverting of the watercourse adjacent to the site access with Bagby Lane and any other watercourses and the surface water ditch adjacent to the site access with Bagby Lane and any other watercourses should be piped in accordance with the approved details submitted and approved under plan 19-410-DE-100-002 Rev C and shall be retained in accordance with the approved details in perpetuity.

Reason: In accordance with Local Plan Policies S1, IC2 and RM2 in the interests of highway safety and avoiding an increased risk of flooding.

7. The sound insulation of Hangar B shall be maintained in perpetuity in accordance with the approved details submitted under discharge of condition application reference no.: 16/02240/DCN01.

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

8. The number of all movements at the Airfield shall not exceed 8,440 per calendar year of which:
 - a) A maximum of 676 may be by helicopters;
 - b) A maximum of 1,700 may be Touch & Go movements; and
 - c) There will be a maximum of 1,518 movements of all types in any calendar month.

(For the avoidance of doubt a landing is one movement. A take-off is one movement. A touch and go is two movements. A take-off, followed by a touch and go, and then a landing is four movements.)

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

9. The airfield operating hours shall not exceed:
 - a) 0700-2200 local time Monday to Friday for resident aircraft, with no movements permitted outside of these hours except in the case of emergencies;
 - b) 0800-2100 on Saturdays, Sunday and Public Holidays for resident aircraft, with no movements permitted outside of these hours except in case of emergencies;
 - c) 0900-1900 each day for non-resident aircraft, with no movements permitted by non-resident aircraft outside of these hours except in case of emergencies.

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

10. No more than 5 aircraft movements may occur between 0700 and 0900 hours local time, Monday to Friday, of which a maximum of 2 may operate between 0700 and 0730 hours.

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

11. No more than 4 aircraft movements may occur between 0800 and 0900 hours local time on Saturdays.

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

12. No more than 2 aircraft movements may occur between 0800 and 0900 hours local time on Sundays and Bank Holidays.

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

13. No more than 6 aircraft movements may occur between 2000 and 2200 hours local time, Monday to Friday, of which a maximum of 2 may operate between 2100 and 2200 hours.

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

14. No more than 4 aircraft movements may occur between 2000 and 2100 hours local time, on Saturdays, Sundays and Public Holidays.

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

15. No more than 10 helicopter movements may occur on any day.

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

16. No more than 4 non-resident helicopter movements may occur on Saturdays, Sundays and Public Holidays.

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

17. No fixed wing aircraft may operate at other than in accordance with the following requirements:

1.a) In the case of aircraft with Noise Certification in the UK under Chapter 6 Noise Register with a maximum overflight limit of 79.7 dB(A) or

b) In the case of aircraft with Noise Certification on the UK Register under Chapter 10 Noise with a maximum overflight limit of 85.7 dB(A) for aircraft types certified between the 17 November 1988 and 4 November 1999.

c) In the case of aircraft with Noise Certification on the UK Register under Chapter 10 Noise with a maximum overflight limit of 84.6 dB(A) for aircraft types certified after 4 November 1999.

Fixed wing	Movement	Limit dB(A)
Chapter 6	Overflight	79.7
Chapter 10	Overflight	85.7 (Aircraft between 17 November 1988 and 4 November 1999)
Chapter 10	Overflight	84.6 (Aircraft certified after 4 November 1999)

d) In circumstances where fixed-wing aircraft do not have a Noise Certificate on the UK Register no aircraft with a certified Maximum Take-Off Weight (MTOW) of greater than 2,730kg may operate.

(The relevant data for UK registered aircraft is available on the G-INFO website)

2. Aircraft that do not meet the terms of 1. a) or b) may only operate on notified Fly-In days when they are proven to have at least two of the three characteristics:

- a) The aircraft was first manufactured more than 50 years prior to the current date;
- b) They do not currently have an internationally recognised certification basis;
- c) They can evidence that the aircraft (or their type) were at one time, on a military register.

Any aircraft operating under 2 above shall not arrive more than 48 hours prior to the commencement of a Fly-In day. The aircraft may not depart from and return to the airfield prior to or during the Fly-In day. The aircraft shall leave either on the day of the Fly-In day or at the earliest reasonable opportunity thereafter consistent with weather related conditions, at Bagby, their intended destination, any diversion and the en-route weather. No return shall be permitted after departure from the Fly-In day.

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

18. No helicopters may operate other than in accordance with the following requirements:

- a) In the case of aircraft with Noise Certification on the UK Register under Chapter 8, a maximum Take-Off limit of 92 EPNdB and a maximum Approach limit of 94 dB(A); or
- b) In the case of aircraft with Noise Certification on the UK Register under Chapter 11, a maximum overflight limit of 84 dB(A) SEL (single event limit).

Rotary wing	Movement	Limit
Chapter 8	Take-Off	92 EPNdB
Chapter 8	Approach	94 EPNdB
Chapter 11	Overflight	84 dB(A) SEL

- c) In circumstances where a helicopter does not have a Noise Certificate on the UK Register no aircraft with a certified Maximum Take-Off Weight (MTOW) of greater than 2,730kg may operate.

(The relevant data for UK registered aircraft is available on the G-INFO website.)

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

19. Jet Turbine and/or twin-engined helicopters shall not be refuelled within 40 metres of the fuel storage facility.

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

20. No more than 3 Fly-In days shall be permitted in any one calendar year, each of which shall have been previously notified to the Local Planning Authority at least 30 days in advance. There shall be a maximum of 150 aircraft movements on any Fly-In day

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

21. No helicopter shall be refuelled unless all engines have been shut down, except for emergency helicopters engaged in emergencies and essential utility aircraft engaged in powerline works at times of power outages. A detailed log of each 'rotors-running' refuelling, when all engines have not been shut down, shall be maintained covering the date, time, helicopter operator and reason justifying a rotors-running refuelling. This log shall be available to the Local Planning Authority upon request.

Reason: In order that the instances of 'rotors-running' refuelling are controlled and records are kept of the exceptions to the controls to safeguard the amenity of the local population in accordance with Local Plan Policies S1 and E2.

22. The scheme for the provision and enforcement of transponders on aircraft has been submitted under discharge of condition application reference no.:16/02240/DCN03. The scheme includes provision for:

- (i) a list of all resident aircraft; and
- ii) all resident aircraft ('resident aircraft' are those kept at the Airfield for 14 days or more) must be fitted with transponders compatible with the virtual radar required in conditions 2 and 23.

The approved scheme retained in accordance with the approved details as approved under discharge of condition application reference no.:16/02240/DCN03.

Reason: In order to ensure that radar surveillance of aircraft can be undertaken to enable records to be kept and ensure that controls over the numbers and tracking of aircraft movements detailed in other conditions and the associated planning obligation can be enforced and so that the amenity of the local population is safeguarded in accordance with the Local Plan Policies S1 and E2.

23. The scheme for aircraft movement recording, shall be implemented in accordance with the details submitted and approved under discharge of condition application reference no.: 16/02240/DCN03. The scheme includes provision for:

- (i) the surveillance of each and every air movement on the application site;
- (ii) details of time and date of each air movement;
- (iii) reporting requirements; and
- (iv) public access by website.

The agreed schemes shall be implemented as agreed and retained thereafter.

Reason: In order that the records of aircraft movements are kept and ensure that controls over the numbers and tracking of aircraft movements detailed in other conditions and the associated planning obligation can be enforced and so that the amenity of the local population is safeguarded in accordance with the Local Plan Policies S1 and E2.

24. Hangars A, C1, E, F, G and H as shown on drawing 1452-10A, shall not be used other than for the purpose of aircraft storage and ancillary maintenance of aircraft for the purposes of keeping aircraft airworthy. No commercial maintenance activities are to be permitted within hangars A, C1, E, F, G and H.

Hangar B as shown on drawing 1452-10A, shall not be used other than for the purpose of aircraft maintenance by a commercial engineering firm(s). No aircraft shall be stored in Hangar B other than those awaiting maintenance in relation to the primary use of the building.

Reason: In order to ensure that the aircraft hangars are not used other than for their authorised purposes to both safeguard the amenity of the local population and to enable the economic benefits of the commercial use to be achieved in accordance with Local Plan Policies S1 and EG7.

25. With the exception of Low Rev engine running, all ground running and High Rev testing of engines may only take place at the threshold of Runway 06. Low Rev testing of engines associated with the use of Hangar B, as shown on drawing 1452-10, must take place only to the immediate west of the entrance to this building.

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

26. The aircraft access doors on Hangar B, as shown in drawing 1452-10, shall remain closed at all times except to allow access to and from the building for aircraft

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

27. No aircraft of any type shall enter the area on the northern side of the runway shown hatched on the attached plan.

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

28. Other than the existing runway lighting and /or its replacement, no additional external lighting shall be installed other than in complete accordance with details submitted and approved under discharge of condition application reference no.: 16/02240/DCN04.

Reason: In accordance with Local Plan Policies S1, E1 and E2 to safeguard the amenity of the local population and the environment from the adverse of light pollution.

29. Bagby Airfield shall not be used by any fixed-wing turbo-jet or turbo-fan aircraft, excluding fixed wing turbo-prop aircraft

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

30. No external lighting for the access or access road or parking areas shall be provided other than in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: In accordance with Local Plan Policies S1, E1 and E2 to safeguard the amenity of the local population and the environment from the adverse of light pollution.

Target Determination Date: 19 September 2024

Case Officer: Craig Allison, craig.allison@northyorks.gov.uk

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North Yorkshire Council

Community Development Services

Thirsk and Malton Area Planning Committee

19 December 2024

ZB24/00064/FUL – Application for proposed development of Bagby airfield to include:- demolition and rebuild of hangar G; extension and external alteration of Hangar F; demolition of the existing maintenance facility and erection of a new facility to form a ground floor Museum Hangar with first floor accommodation; Retrospective consent for the construction of a new clubhouse following demolition of the existing clubhouse and control tower; construction of a new control tower and new Tractor Shed/Workshop; demolition and replacement of two temporary Hangars with a New Hangar; creation of a new aircraft electric charging point; extension to the runway geotextile tiling; hard and soft landscaping and creation of a new bowser.

At Bagby Airfield, Bagby, North Yorkshire.

For: Mr M Scott

Report of the Head of Development Management – Community Development Services

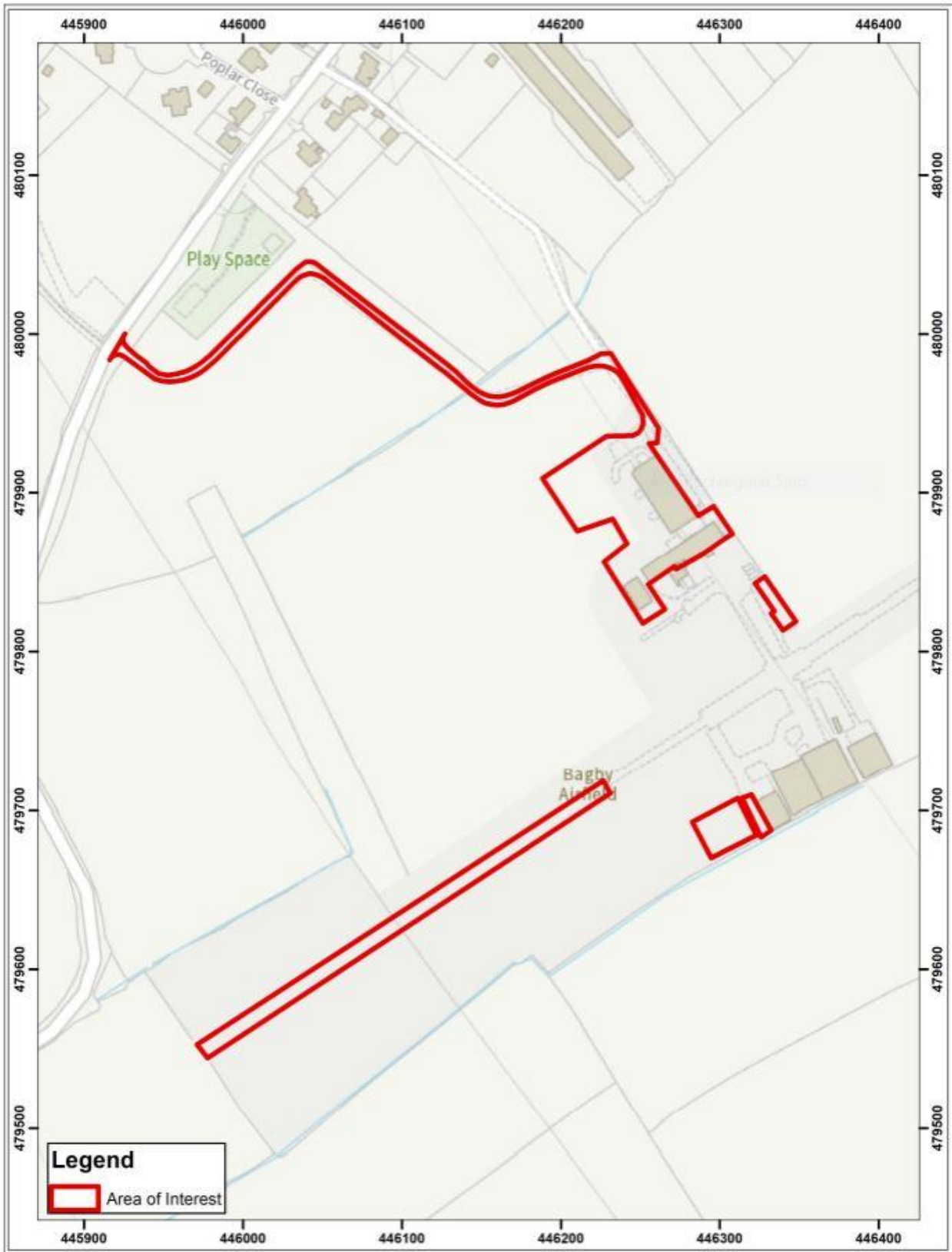
1.0 PURPOSE OF THE REPORT

- 1.1 To determine an application for full planning permission for proposed development of Bagby Airfield to include:- demolition and rebuild of hangar G; extension and external alteration of Hangar F; demolition of the existing maintenance facility and erection of a new facility to form a ground floor Museum Hangar with first floor accommodation; construction of a new control tower and new Tractor Shed/Workshop; demolition and replacement of two temporary Hangars with a New Hangar; creation of a new aircraft electric charging point; extension to the runway geotextile tiling; hard and soft landscaping and creation of a new bowser at The Airfield, Bagby.
- 1.2 One part of the application is retrospective and permission is being sought for the construction of a new clubhouse which will be used as a new clubhouse (not at present) following demolition of the existing clubhouse and control tower.
- 1.3 The application is considered appropriate to be determined by the Planning Committee due to the proposal raising significant planning issues as considered by the Director of Community Development.

2.0 SUMMARY

RECOMMENDATION: That Planning Permission be **GRANTED** subject to the conditions set out in Section 12 of this report.

- 2.1 The proposed development comprises of the following: demolition and rebuild of hangar G; extension and external alteration of Hangar F; demolition of the existing maintenance facility and erection of a new facility to form a ground floor Museum Hangar with first floor accommodation; Retrospective consent for the construction of a new clubhouse following demolition of the existing clubhouse and control tower; construction of a new control tower and new Tractor Shed/Workshop; demolition and replacement of two temporary Hangars with a New Hangar; creation of a new aircraft electric charging point; extension to the runway geotextile tiling; hard and soft landscaping and creation of a new bowser.
- 2.2 Due to the technical nature of the proposed development and the potential harm this may have on the local community the Council has sought professional aviation advice from York Aviation to determine if the proposed are required or needed as part of the development of the Airfield. York Aviation were used previously by the Council (Hambleton District Council) in the determination of planning application reference: 16/02240/FUL and have knowledge of the site and its history.



MAP TITLE: **Map for Committee site visit: The Airfield, Bagby, Thirsk, North Yorkshire, YO7 2PH**
 Date: 09/12/2024
 Application Number: ZB23/02537/MRC and ZB24/00064/FUL

0 15 30 60 m
 1:3,000 (Main Frame)
 © Crown Copyright and Database Rights [2024]
 Ordnance Survey 100017948

Mercury House, Station Road, Richmond DL10 4JX
 Telephone: 0300 131 2131

3.0 PRELIMINARY MATTERS

3.1 Access to the case file on Public Access can be found here: [Planning documents](#)

Planning history

3.2 16/02240/FUL - Change of use and external alterations of the engineering building to be used as a clubhouse and control tower, erection of a new tractor shed, erection of a new hangar, formation of a new access drive, the introduction of hard and soft landscaping and amended on 14 March 2018 to include the creation of a fixed fuel facility and the use of Hangar B for aircraft maintenance. Works include the demolition of the existing clubhouse, control tower, hangars and storage buildings and partial demolition of one other hangar. Air Movements to be capped at a maximum of 8,440 per annum. – Approved 30 July 2019.

18/00524/FUL - Retrospective application for the temporary siting of a portable aircraft engineer's office and document storage cabin – Approved 30 July 2019.

20/00766/MRC - Application for variation of condition 1 for approved application 18/00524/FUL - The condition to be varied to extend the date to which the planning permission is valid until for one year from the approval of this application, or upon completion of Hangar B. – Approved 5 June 2020.

21/00081/FUL - Retrospective application for an access road off Bagby lane to provide access to the airfield – Approved 7 June 2021.

21/00668/FUL - Retrospective extension to Hangar A and proposed hard standing adjacent to Hangar A – Refused on 22 October 2021 – Allowed on Appeal on 21 December 2022.

21/01058/FUL - The retention of 2 temporary hangers on site for a use for aircraft storage and ancillary storage of airfield machinery and equipment for a period of 24 months – Refused on 22 October 2021– Allowed on Appeal on 21 December 2022.

21/01243/FUL - Retrospective and proposed concrete alterations to existing runway, reinforced geotextile matting to runway and earthworks to facilitate drainage – Refused on 22 February 2022 – Allowed on Appeal on 21 December 2022

21/01709/FUL - Retrospective application for hardstanding, associated drainage, door and walkway to Hangar C1 and proposed lean-to for office to Hangar B – Approved 22 February 2022.

21/02087/FUL - Retrospective siting of fuel pump and fuel bund – Refused 22 February 2022.

22/01387/FUL - Proposed replacement hangar door and relocated windsock – Approved 14 April 2023.

ZB23/00807/FUL - Retrospective planning permission for the erection of a pole mounted CCTV security system – Approved 17 May 2023.

ZB23/02537/MRC – Application for the modification of condition 22 of approved application 16/02240/FUL – Pending Decision.

4.0 SITE AND SURROUNDINGS

4.1 Bagby Airfield occupies a piece of land to the south and south west of the village of Bagby. The land lies east of the A19 and is currently accessed via an access track which is to the

south of the children's play area and is to the south of the village of Bagby. The site is about 500m from the southern edge of the village of Bagby. The nearest residential property within the village of Bagby to the infrastructure of the Airfield is Rozel at approximately 235 metres away.

- 4.2 The Airfield occupies 15.6 hectares. The land is in use for the purposes of operating an airfield. Some of the surrounding land is fallow and other parts of the application site continue to be used for arable agricultural purposes.
- 4.3 Boundaries to the land around the Airfield are formed by hedges of varied species and heights. The north, south and west boundaries have substantial hedges, the eastern end of the airfield is not fully bounded by hedgerows. Local landform allows some views of the central and western end of the airfield from viewpoints to the west but changes in ground levels, hedgerows and trees shield the remainder of the airfield from public view.
- 4.4 In addition to the relationship with Bagby, there are dwellings to the south west, south and south east of the application site and notably in the vicinity of the village of Great Thirkleby and Thirkleby Hall Caravan Park (630 metres to the south east) that are potentially affected by activities at the airfield (in particular noise).
- 4.5 Beyond the boundaries of the application site of the Airfield the land is in agricultural use except for the children's play area on Bagby Lane which is now bounded by fencing around the play area to prevent any children from entering the Airfield's grounds. This is located beyond the northern edge of the Airfield land.

5.0 DESCRIPTION OF PROPOSAL

- 5.1 The application seeks planning permission for a re-development of Bagby Airfield, which includes demolition and rebuild of hangar G; extension and external alteration of Hangar F; demolition of the existing maintenance facility and erection of a new facility to form a ground floor Museum Hangar with first floor accommodation; Retrospective consent for the construction of a new clubhouse following demolition of the existing clubhouse and control tower; construction of a new control tower and new Tractor Shed/Workshop; demolition and replacement of two temporary Hangars with a New Hangar; creation of a new aircraft electric charging point; extension to the runway geotextile tiling; hard and soft landscaping and creation of a new bowser.
- 5.2 The applicant has set out that their proposals centre on the Airfields transition from a site accommodating smaller hobbyist aircraft and microlights which remain close to the Airfield flying above nearby settlements to an operator base serving more modern, intrinsically quieter aircraft that would use Bagby Airfield as a stepping stone and base for longer haul trips, minimising the frequency of overflight above the nearby settlements. The applicant advises that the transition is predicted on providing upgraded high quality hangarage capable of accommodating the more modern aircraft safely and securely, providing facilities to accommodate UK Border Force inspections for in/outbound flights to EU and/or Non-EU destinations, upgraded taxiways, a safe and secure runway able to operate in all-weather, alongside an upgraded and enhanced recreational offer through the clubhouse, museum and short-stay accommodation. The applicant sets out that the proposed transition will secure greater levels of income, supporting the future sustainability of the Airfield.
- 5.3 Due to its location and topography, Bagby Airfield is intrinsically limited to primarily non-commercial air transport and hobbyist small aircraft. The applicant sets out that the Business Case prepared by the applicant as part of previous planning permission: 16/02240/FUL sought to work within the airfield's constraints to provide a transformation plan which secured the long term sustainability of the business and provided co-benefits to

the local community from increased economic activity and employment opportunities through a significant reduction in disturbance.

- 5.4 The applicant states that the business case set out that the airfield must shift activities to a more balanced portfolio of income streams rather than its traditional dependence on fuel sales upon which the airfield has made marginal profits. The need to continue to upgrade the airfield facilities is crucial to unlock the potential for increased income as set out in the Business Case. This includes improving the quality and functionality of hangarage to cater for and prioritise higher value modern aircraft as opposed to smaller hobbyist aircraft and microlites. In tandem, the airfield needs to enhance on-site recreational facilities and aligned with the transition to longer departures/arrival windows, provide short stay accommodation for operators and pilots.
- 5.5 The applicant considers that the proposed development would help secure the airfield's business development goals of attracting new and profitable client groups, shifting priority away from smaller aircraft which fly near to the Airfield, to more modern intrinsically quieter aircraft which will depart/arrive from further afield including EU or non-EU destinations. This cannot be achieved without adequate safe and secure hangarage, appropriate facilities, a safe and secure runway and the necessary Border Force storage facility.
- 5.6 It is the applicant's opinion that the proposed development, in line with the Business Case would secure the sustainability of the airfield and the frequency of movements particularly those circling above local settlements, will be reduced. In addition, the proposed development would provide both direct on-site and indirect off-site economic impacts, with the proposed investment in the airfield having a multiplier effect, driving additional spend and new employment at the Airfield through the supply chain and amongst local businesses.
- 5.7 It is noted that the red line on the originally submitted Site Location Plan did not link up to the highway and therefore a revised site location plan has been submitted.

6.0 PLANNING POLICY AND GUIDANCE

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2 The Adopted Development Plan for this site is the Hambleton Local Plan (adopted February 2022).

Emerging Development Plan - Material Consideration.

- 6.3 The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.
- 6.4 Relevant guidance for this application is:
- National Planning Policy Framework 2023
 - National Planning Practice Guidance
 - General Aviation Strategy 2015

7.0 CONSULTATION RESPONSES

The following consultation responses have been received and have been summarised below.

Bagby and Balk Parish Council wishes to see the application withdrawn until an EIA has been undertaken and full safety audit has taken place. The Parish Council are concerned about the increase in size of the runway and believe this is too big a change to be considered without a full safety audit.

Other comments made by the Parish Council are as follows:

- The Council should be provided proof that there is a qualified manager on site and qualified radio controllers are available on site
- Airfield is not controlled by cameras and the monitoring system is not reliable
- The employment status stated 12 full time employees, 28 part time employees, is this correct if Fox Aviation have had their license suspended.
- Airfield drainage already runs into the Fisher Beck, flooding occurs regularly on the village road where water runs off the Airfield land. Engineering works on the runway will result in more rainfall into nearby water course. More development, buildings and hard standing will also increase this flooding.
- The new hangars will result in more noise for villagers
- The application states there would be no increase in traffic so why double the number of parking spaces
- If the old hanger is now a museum this will result in more people visiting the site and increase noise within the area.
- The temporary hangars are required to be removed as required by the appeal and not replaced within a new permanent hangar.
- The fuel storage of an extra 32,000 tonnes of fuel is a large quantity increasing more traffic.
- The increase in the various hangars is an over development of the site
- The overnight accommodation is taking away business from the local area
- Consideration needs to be made towards the bats noted within the Control Tower.

NATS (National Air Traffic Systems) – No safeguarding objection to the application.

Ministry of Defence – No objections.

Natural England – No objections.

Yorkshire Water – Recommended a condition to imposed to control surface water

No comments have been received from:

- Civil Aviation Authority
- Yorkshire Wildlife Trust
- Woodland Trust

Local Representations

58 representations have been received of which 52 are in support and 6 are objecting. A summary of the comments is provided below, however, please see website for full comments.

Support:

- A great opportunity to develop the Airfield and improve the facilities on offer
- The development will secure the long viability and local employment
- This is good growth from the village of Bagby
- The improvements will greatly increase the utility of the Airfield
- The improvement to the runway surface would allow use during the wetter months and would enhance safety at all times
- The change to the hangars would improve the situation enormously for aircraft storage and aesthetically
- The change to silent electric aircraft shows the owner is future proofing the site for the future and his commitment to sustainability.
- The change to the clubhouse with the viewing area will encourage visitors to take interest in airfield operations
- The airfield is a highly valuable local asset, which is the sole provider of high-skilled employment in the parish
- The Airfield attracts visitor to the area which supports the local community
- The investment in the airfield is needed as the aviation in North Yorkshire is declining with various Royal Air Forces airfields closing

Objections:

- The Engineering business of Fox Engineering states that there are full time equivalent employees at the Airfield however this is factually incorrect.
- The proposals represent an exponential upscaling in infrastructure, significantly increasing the capacity for traffic with the consequential loss of amenity to neighbours.
- Employment generation is merely speculative.
- The provision of accommodation and dining leaves no prospect of economic benefit in the locality.
- If the site is to be assessed against Policy EG7(d) surely more explanation is required.
- In total the application requests an increase in floor space of 77% almost doubling the floor space at the site.
- The new tractor shed is a large increase to what was previously approved and will be unmissable and have a detrimental impact on local residents.
- Noise at the site is caused by non-hobbyist aircraft who take off in the early hours of the morning and evening which cause more disruption to local residents and have engines that idle which cause noise disturbance to local residents.
- If there are more non-hobbyist aircraft using the airfield, they are likely to spend less time at the Airfield and subsequently will require less maintenance and therefore the employment generated by the maintenance will be minimal and less opportunities for local people for employment.
- Overdevelopment in a small rural village which is not being justified by any wider economic gains for the village
- With a bat noted within the Control Tower removing it would be a criminal act
- The number of car parking spaces at the site has doubled and therefore this will result in an increase in traffic to the site.
- The fuel bowser is likely to impact the associated amenity, safety and environmental protection measures.
- The increase in airfield infrastructure will increase air traffic and will result in an increase in noise and pollution for local villages.
- Numerous incidents have occurred at the Airfield, which requires what safety is taking place at the Airfield.

- The maintenance facility at the Airfield Fox Engineering has their license suspended and therefore how is there employment opportunities at the Airfield. Fox Engineering is subsequently only allowed to maintain planes for leisure, and therefore any commercial aircraft have to be maintained elsewhere and for the foreseeable future. Therefore, no commercial elements of maintenance means that the airfield turning into an international airfield is just fantasy.
- There is no scenario where the Airfield can be viable, and a development gain achieved. Sufficient leisure traffic and helicopters cause intolerable noise, and large commercial planes cannot be accommodated as they cannot operate safely or require noise limits to be breached.
- Within the biodiversity report no consideration of the biodiversity losses resulting from the historic lowering of the hedge boarding Keels Field designed to facilitate the take-off of unsafe large planes.
- There is no consideration of any contamination of land near the Harpin Hangar due to the temporary fuel facilities.
- A full EIA exercise should take place and not just stating the planting of 0.02 of hedges gives a green light.
- The proposal to reinforce the remaining third of the airfield runway and subsequently a full safety audit should be undertaken.
- Furthermore, the air taxi operations will become more expensive and with the current noise restrictions in place then the business at Airfield will not be successful.
- No business case can exist for an unsafe and illegal operation occurring at the Airfield.
- The museum will not succeed and will be used as further hangar storage.

8.0 ENVIRONMENT IMPACT ASSESSMENT (EIA)

- 8.1 The development proposed does not fall within Schedule 1. However, the proposed development does fall within Schedule 2 of the Environmental Impact Assessment Regulations 2017 (as amended). Therefore, a screening opinion was undertaken to ascertain if an Environmental Impact Assessment was required for the development.
- 8.2 The proposed development is considered to fall within Category 10(e) of Schedule 2 of the EIA Regulations 'Construction of airfields'/ The site is not located within a sensitive area as defined by the EIA Regulations, but the proposals are above the indicative criteria and screening thresholds.
- 8.3 In the 2016 planning permission (reference no.:16/02240/FUL) considered that an Environmental Impact Assessment was required for the following reasons:
- The site has a complex and significant planning history and established lawful use of the site.
 - The previously approved alterations to the runway, associated apron, demolition and rebuilding of hangars, access to hangars, increase in maintenance area and the size of development in consideration of the cumulative impacts, was considered to result in significant environmental impacts that resulted from incremental changes caused by other past, present or reasonably foreseeable actions together with the project that was granted planning permission that would intensify the use at Bagby Airfield which required consideration through an Environmental Statement.
- 8.4 The associated impacts included the assessment of noise and nuisance pollution derived from the level of Aircraft Movements (AM's), especially dependent on the type of aircraft undertaking such AM's, landscape character, relationship to sensitive receptors, bats and protected species. The probability and extent of the impact was dependant on the reliability of the underlying evidence. Impacts extended beyond the application site to include

movement from aircraft taking off, landing and manoeuvring around the site. Impacts of road traffic movement from operational development, drainage, asbestos and remediation were also assessed.

- 8.5 Upon reviewing the proposed application, the proposed development in itself does not propose to alter any of the previously approved AM's or type of aircraft allowed to use the Airfield and therefore no such further impact on the Environment would be noted than previously. However, it is noted that a planning application submitted under section 73 of the Town and Country Planning Act: ZB23/02537/MRC is also under consideration by the Council which seeks to vary a condition to allow an increase in the noise controls imposed by the Council on the 2019 planning permission by no more than 3dB. This would enable different aircraft to land and and take off from the Airfield should it be granted planning permission. However, it is considered that the proposed changes are minor in nature as assessed and determined in the officer committee report of ZB23/02537/MRC and subsequently when considering the impacts of both planning applications together it is considered that an Environmental Impact Assessment is not required as part of this planning application.

9.0 MAIN ISSUES

- 9.1 The key considerations in the assessment of this application are:

- 9.2 -Principle of Development
-Impact on neighbouring residential amenity
-Impact upon the character and appearance of the site and locality
-Impact on Contamination
-Impact upon the local Ecology
-Highway Safety
-Impact on Flood Risk and Drainage

10.0 ASSESSMENT

Principle of Development

- 10.1 In determining application's, the decisions should be taken in accordance with the development plan unless there are material considerations that indicate otherwise. The development plan for Hambleton is the Hambleton Local Plan (Adopted February 2022), of which Policy S1 of the Local Plan states the Council will seek to ensure that development makes a positive contribution towards sustainability of communities, enhances the environment and adapts to am mitigates the impact of climate change.
- 10.2 The application site is beyond the built form of any settlement and is within a countryside location, therefore Policy S5 is applicable. This sets out that the Council will seek to ensure that new development recognises the intrinsic beauty, character and distinctiveness of the countryside as an asset that supports a high-quality living and working environment, which contributes to the identity of the district, provides an attractive recreational and tourism resource and is a valued biodiversity resource. A proposal for the conversion of an existing building in the countryside will only be supported where it can be demonstrated that:
- A. The building is:
 - a. Redundant or disused;
 - b. Of permanent and substantial construction;
 - c. Not in such a state of dereliction or disrepair that significant reconstruction would be required; and
 - d. Structurally capable of being converted for the proposed use; and
 - B. The proposal;

- a. Would enhance the immediate setting; and
- b. Any extension or alteration would not adversely affect the form, scale, massing or proportion of the building.

10.3 Furthermore, the application is for the operation of a business from the site and therefore Policy EG7 is applicable in this instance which seeks to support businesses in rural areas, subject to the application meeting certain criteria. The Policy states that employment generating development will only be supported in locations outside of the built form if:

- a. the expansion of an existing business where it is demonstrated that there is an operational need for the proposal that cannot physically or reasonably be accommodated within the curtilage of the existing site; or
- b. the re-use of an existing building of permanent, structurally sound construction that is capable of conversion without the need for substantial extension, alteration or reconstruction and can accommodate the functional needs of the proposed use including appropriate parking provision; or
- c. a new building provided that it is well-related to an existing rural settlement and where it is demonstrated that the proposal cannot be located within the built form of a settlement or an identified employment location; or
- d. other proposals specifically requiring a countryside location.

Where new or replacement buildings are required, where possible they should be in close proximity to an existing group of buildings and the siting, form, scale, design and external materials of the new buildings should not detract from the existing buildings nor the character of the surrounding area.

10.4 Policy EG7 of the Hambleton Local Plan provides a criteria whereby the expansion and diversification of businesses in rural areas will be supported. Policy EG7(para d) supports proposals which require a countryside location. By its very nature the Airfield cannot be located anywhere within the built form of a settlement.

10.5 As set out in paragraph 85 of the NPPF, significant weight should be placed on the need to support economic growth, taking account of both local business needs, and taking an approach that builds upon existing strengths, counters weakness and address the challenges of the future. Paragraph 110(f) mirrors the intent of paragraph 85, setting out the need for General Aviation airfields to adapt and change over time and that planning policies should account for HM Government's (2015) General Aviation Strategy (GAS). As set out in the GAS (2015) improving hangar facilities and associated infrastructure, and creating all-weather runways are crucial adaptations enabling general aviation airfields to survive change.

10.6 Furthermore, Policy EG7 also requires new or replacement buildings to be proximate to other buildings of appropriate scale, siting and design and materials so as to not detract from the character of the surrounding area. This will be considered below.

10.7 Each of the policies detailed above are relevant to be considered in each development proposed on the Airfield in order to aid if the development is acceptable in principle or not. The policies will be discussed and appraised further under each development below.

Hangar F

10.8 Hangar F was previously a pig barn which was partially adapted during the 1990s/2000s to accommodate aircraft, following which the hangar has been used primarily for the storage of smaller home-built aircraft and weight shift microlights. However, going back to its previous use there are multiple levels which results in the movement of aircraft in and out of

the hangar difficult and this restricts the type of aircraft that can be stored currently in the hangar.

- 10.9 The applicant's supporting information sets out that due to restrictions imposed by the current access arrangements to Hangar F aircraft are stored in a linear arrangement running several aircraft deep. This causes significant disruption with multiple aircraft having to be removed and reshuffled whenever an aircraft is withdrawn. Additionally the location of the accesses limits the use of the hangar to smaller, weight-shift microlights, which is at odds with the airfield Business Development Strategy which seeks to reduce the number of smaller hobbyist aircraft and microlights and pivot to provide greater emphasis on the needs and demands of the more economically productive aviation users who are characterised as having more modern, well equipped aircraft which require higher quality hangarage with unfettered access at all times.
- 10.10 It is proposed that Hangar F be refurbished externally and internally, removing internal obstructions and introducing new access doors of appropriate heights to enable access by aircraft. The hangar would be extended westwards on the existing by a further 7 metres, creating additional storage space amounting to 300 square metres increase in size. Materials would match in with the existing hanger and the height would remain the same
- 10.11 As the current external access to hangar is a mix of type 2 aggregate and grass, partially supported by areas of poor-quality rubber mesh it is proposed that the taxiway to and from the hangar be comprised of a stable, non-contaminated and suitably levelled surface to ensure the movement of aircraft without power is viable. This material would be a grass crete surface and similar arrangement as what is on the runway of the Airfield.
- 10.12 The proposals to refurbish, extend and improve Hangar F were not part of the planning permission granted in 2019 (16/02240/FUL). The proposed changes would retain the use of the hangar for storage of aircraft and associated day to day maintenance of aircraft for the purpose of keeping aircraft airworthy. The use of the Hangar is in-line with that which was approved in 2019. The only alteration proposed is the inclusion of a 300m² extension. This is unlikely to materially change of the capacity of the building.
- 10.13 York Aviation have advised that the alteration to Hangar F retains the lawful use of the Hangar. Although there is a 300m² extension, it is unlikely to materially change the capacity of the building. They consider that these proposals appear reasonable to allow for the provision of higher quality facilities and should not, in themselves, risk an increase in activity to the extent that it would cause a breach of the existing planning conditions.
- 10.14 It is therefore considered that the existing hanger, which is an existing building of permanent, structurally sound construction would be re-used to ensure that the hangar is fit for purpose and can logically serve its purpose of hangar storage. The height would not be increased but the building would be wider to accommodate the proposed extension to the west of the hangar. The extension of the hangar would be constructed using similar materials to the existing hangar. The hangar is within the built form of the Airfield. It is considered that the proposed extension would not adversely affect the form, scale, massing or proportion of the building and it is a suitable extension to address the alteration in the levels of the building and is considered to be in accordance with Policy E1, S5 and EG7 of the Hambleton Local Plan.

Hangar G

- 10.15 Hangar G is currently located between the maintenance facility and Hangar H and is accessed via a large door on the southern elevation. Hangar G is currently utilised as the club house hangar (currently adjoined to the clubhouse and can be accessed through the clubhouse), storing mainly microlight and smaller planes. The proposed redevelopment

proposes for Hangar G to be demolished and replaced with a new hangar on the same footprint, with a modest extension to the south of the building, providing alignment with the southern elevation of Hangar H. The proposals would increase the footprint from 289m² to 328m². Materials would match in with the existing hanger.

- 10.16 These proposals did form part of the 2019 planning permission (16/02240/FUL) albeit without the extension to the floorspace. The proposed extension is a modest extension and would only add approximately 2 metres in depth to the hangar, which in practical terms would not fundamentally change the capacity of the building but rather add some flexibility to positioning and manoeuvrability of aircraft. Therefore, it is considered that there are no material adverse impacts in the context of the planning conditions and the proposal is in line with the airfield aspiration as set out in the supporting submission documents of providing higher quality facilities as part of The Airfield's business plan transition from high volume low value flying activities to lower volume high value activity.
- 10.17 York Aviation commented on this aspect, advising that a new hangar would be constructed in largely the same footprint with what is described as a 13.5% extension to the floor space along the front edge of the hangar to align the facade with that of adjacent Hangar F. These proposals formed part of the 2019 consent albeit without the extension to the floorspace. It is considered that the extension is modest. York Aviation estimate it adds only around 2m depth to the hangar, which in practical terms would not fundamentally change the capacity, of the building but rather add some flexibility to positioning and manoeuvrability of aircraft. Furthermore, there is no indication that the current use as a club house hangar would change post any planning permission granted. As such, it is not anticipated that there would be material adverse impacts in the context of the planning conditions and would accept that the proposals are in line with the airfield providing higher quality facilities as part of their business plan transition from high volume low value flying activity to lower volume high value activity. It is reasonable that a condition is imposed to ensure that the hangar is kept for storage only.
- 10.18 The proposed changes would retain the approved use of the hangar for storage of aircraft and associated day to day maintenance of aircraft for the purposes of keeping aircraft airworthy. The proposed extension would add around 2 metres in depth which is unlikely to materially change of the capacity of the building. Policy S5 makes reference in regard to the replacement of existing buildings and states the following:
- “A proposal for the replacement of an existing building (including a dwelling) in the countryside will only be supported where it is of permanent and substantial construction and the proposal is of a high-quality design, being sympathetic with its surroundings and takes opportunities to enhance the immediate surroundings. Only limited increases in floorspace will be supported and development proposals must be proportionate to the building(s) that they replace.
- The position of the replacement buildings within the site should be considered comprehensively so that it is located where it would have the least possible adverse impact on the immediate surroundings, the wider landscape and the amenity of the users of existing buildings nearby”.
- 10.19 It is considered that the proposed increase in floor space of this hangar is minimal and equates to an increase in floor space from the existing building by 39m². The building is sited adjacent to existing buildings and would not cause additional impact on the immediate surroundings or the wider landscape of the area. The height of the hangar would be the same height as previously. It is considered that the redevelopment of the hangar would not adversely affect the form, scale, massing or proportion of the building or surrounding buildings. Furthermore the proposed extension is a modest extension and is considered to be in accordance with Policy E1, S5 and EG7 of the Hambleton Local Plan.

Replacement of Two Temporary Hangars

- 10.20 The existing temporary hangars currently located to the south of the runway are proposed to be removed and replaced with a new singular permanent structure. The new hangar would measure 832m² and would be used for the storage of aircraft.
- 10.21 The proposed replacement seeks to regularise the hangars which have been subject to formal enforcement action and appeals, both in 2020 and 2022. As required by the most recent Inspectors appeal decision, the temporary hangars are due for removal on the 21 December 2024, with use restricted to storage in association with the airfield.
- 10.22 The proposed new hangar would continue the existing storage use and would align with the siting of the temporary hangars. The hangar would have a height of 4.1 metres to ridge and would be approximately 21 metres in width and a depth of 17 metres. The proposed hangar would allow the storage of up to three aircraft.
- 10.23 It is noted that the Council previously refused planning permission (21/01058/FUL) for the retention of two temporary hangars. The application was refused at the time was for the following reason:
- “The proposal is contrary to the Local Development Framework Policies CP1 and DP25 as an appropriate business case has not been supplied. Any economic benefit arising from the increased capacity of the aircraft hangar cannot be properly assessed and the potential harm to the amenity of the local population arising from the proposal is not outweighed by any known economic or other benefit and is also contrary to the Local Development Framework Policy DP1.”*
- 10.24 During the Informal Hearing for the appeal, the principal dispute between the parties was which policy from the Local Plan is relevant. The applicant stated that the development can take support from Policy EG2, whereas the Council considered Policy EG7 of the Local Plan to be relevant. In summary the disagreement related to whether a business plan was required in order to justify the proposed development.
- 10.25 The Planning Inspector stated that Policy EG2 of the Local Plan relates to the protection of employment land. Amongst other matters, it states that proposals for the expansion, intensification, upgrading or redevelopment of an existing employment site for employment uses will be supported, provided that adverse environmental and amenity impacts are avoided or minimised to an acceptable level.
- 10.26 The Inspector noted that the justification to the Policy sets out a definition of the term employment use and states that some uses that are referred to in the Use Classes Order as ‘sui generis’ may as an exception be considered as employment uses. However, such a use is not referred to as sui generis in the Use Classes Order. Since the airfield does not fall within the definition of employment use, it cannot take support from this policy.
- 10.27 The Inspector noted that policy EG7 of the Local Plan relates to businesses in rural areas. The airfield is a business in a rural area. The justification to the policy sets out that the purpose of the policy is to promote a vibrant rural economy and to support businesses with a genuine need to be located in the countryside.
- 10.28 The Inspector further noted that unlike the definition of employment use discussed above, which is an aid to the interpretation of the policy, the justification in respect of Policy EG7 essentially sets out an additional criterion which proposals must satisfy. However, there is no requirement in the policy itself, for development, which it is accepted, requires a

countryside location, to demonstrate an operational/functional need. It would therefore be inappropriate to attach significant weight to the requirement of a Business Plan.

- 10.29 The inspector concluded that the policy nor the justification refer to a viability assessment being part of any such plan and no evidence has been provided to demonstrate a development plan policy justification for requiring one.
- 10.30 At the appeal hearing an explanation for requiring a further 24 months was essentially limited to the need to insulate hangar C1. However, no harm in respect of the impact on the character and appearance of the area was identified by the Inspector and it is noted from the Inspector's comments that they do not seriously impinge upon the rural character of the site's surrounds.
- 10.31 There was also no suggestion that they are being used for purposes that cause harm to the living conditions of residents in respect of noise and disturbance.
- 10.32 Overall, it was found that the development would serve an operational and functional need and since they require a countryside location, accord with Policy EG7 of the Local Plan. Accordingly, the Inspector found that there was no conflict with Policies S1 and S5 of the Local Plan which together seek sustainable development which does not harm the character, appearance, and environmental qualities of the area.
- 10.33 It was found by the Inspector that the development also accorded with the National Planning Policy Framework which states that decisions should enable the sustainable growth and expansion of all types of business in rural areas and which recognises the importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time.
- 10.34 The applicant contends that the proposed larger and higher quality hangar would allow for the airfield to transition catering for higher value activity and does not in itself, mean that more aircraft would be based at the airfield. This is on the basis that the users that this hangar is focussed on would have larger aircraft. The airfield proposes this hangar as a replacement for the temporary shelters that are only suitable for hobbyist and leisure aircraft that are smaller in size. Furthermore, the planning conditions imposed by the 2019 decision would prevent additional activity, meaning that the planned change in the nature of operations from improvement and expansion of the hangar space would have to be contained within the same overall controls.
- 10.35 York Aviation reviewed this aspect of the proposal and have advised that the two temporary hangars were the subject of an enforcement notice requiring their removal and subsequent appeal which allowed the retention of the hangars for a period of a further 24 months from October 2022. In light of the decision made on the appeal, they would agree that the proposed larger and higher quality hangar allows that airfield to transition to catering for higher value activity and does not, in itself, mean that more aircraft would be based at the airfield. This is on the basis that the users that this hangar is focussed at would have larger aircraft. Overall, we think it reasonable that the airfield proposes this hangar as a replacement for the temporary parking shelters that are only suitable for hobbyist and leisure aircraft that are smaller in size. Again, the planning conditions imposed as a result of the 2019 decision would prevent additional activity, meaning that the planned change in the nature of operations from improvement and expansion of the hangar space would have to be contained within the same overall controls.
- 10.36 As the temporary hangars were never granted Permanent planning permission, the replacement of these hangars by a new building has to be considered. Policy S5 states that development in the countryside will only supported where it is accordance with national planning policy or other policies of the development plan and would not harm the character,

appearance and environmental qualities of the area in which it is located. Policy EG7 states that employment generating development in the countryside will be supported if a new building is required provided that it is well related to an existing rural settlement and where it is demonstrated that the proposal cannot be located within the built form of a settlement or an identified employment location.

- 10.37 The proposed new hangar has to be located in a countryside location due to the position of Bagby Airfield. The new hangar is within the curtilage of the Airfield and is located adjacent to existing built form of the Airfield. It is therefore considered that the development would not result in any harm on the immediate countryside and is considered to be in accordance with Policies EG7 and S5 of the Council's Local Plan.

Tractor Shed

- 10.38 Planning permission 16/02240/FUL secured permission for the erection of a tractor shed with a 90m² footprint sited at the northern boundary of the site. The principal use of the shed being the storage of machinery.
- 10.39 The applicant seeks permission for a larger structure replacing the permitted tractor shed, in the same location as the already permitted tractor shed immediately to the north of Hangar F and serving instead as a combined workshop, tractor and temporary customs hangar with a footprint of 600m². The building would have a height of 5.6 metres to the ridge and would be approximately 49 metres in width and a depth of 17 metres. The proposed tractor shed would be constructed out of similar materials of the existing hangars on site. The building would be constructed on existing hardstanding within the confines of the built form development of the Airfield. The Tractor shed does not extend into the open fields beyond the confines of the site.
- 10.40 As with the permitted tractor shed, the proposed facility would remain 260 metres away from the nearest residential property and would not be readily visible for most residents of Bagby, where visible the structure would be read alongside the surrounding hangars.
- 10.41 York Aviation have commented on this aspect of the development stating that in the 2019 consent, proposals for a 90m² facility located to the north of Hangar F were approved. The updated proposals are for a much larger 600m² facility in broadly the same location as previously proposed. It is not completely clear from the documents associated with the 2019 consent precisely what functions the tractor shed was originally intended for. However, York Aviation assume that, in light of the size, it was intended for the storage of up to two tractor sized vehicles with some working/manoeuvring space as well as perhaps ancillary storage space around the perimeter. The current proposals state that the larger facility is to accommodate the tractor storage function as before along with workshop space and a temporary customs storage hangar function in connection with Border Force regulations for international flights. This latter function is understood to be necessary for the occasional international flights that might, for example, relate to jockeys or VIPs arriving and departing for local horse racing events or similar. In terms of the functions as proposed they appear reasonable to allow the operator to adequately store machinery such as tractors, as well as maintain them with the addition of the workshop proposal. There is no indication that there would be any aircraft engineering or engine testing carried out in this facility that would bring with it noise issues. However, it may be prudent to condition the use of the shed for aircraft storage only and light maintenance of other (non-aircraft) machinery and equipment.
- 10.42 It is considered the functions as proposed appear reasonable to allow the operator to adequately store machinery such as tractors, as well as maintain them with the addition of the workshop proposal. There is no indication that Aircraft maintenance is to take place within this building and therefore it would be prudent to impose a condition accordingly to

ensure that the shed is for the storage of aircraft and light maintenance of other machinery and equipment (non-aircraft).

- 10.43 It is noted this is a significant increase in floor space from what was previously approved by the Council under planning permission 16/02240/FUL. It is noted that this is a 510m² increase in floor space from that which was previously approved. However, the tractor shed that was originally approved has not been constructed and therefore this tractor shed in policy terms would be considered a new building in the countryside.
- 10.44 Policy S5 states that development in the countryside will only supported where it is accordance with national planning policy or other policies of the development plan and would not harm the character, appearance and environmental qualities of the area in which it is located. Policy EG7 states that employment generating development in the countryside will be supported if a new building is required provided that it is well related to an existing rural settlement and where it is demonstrated that the proposal cannot be located within the built form of a settlement or an identified employment location.
- 10.45 The tractor shed has to be located in a countryside location due to the location of Bagby Airfield. The tractor shed is within the curtilage of the Airfield and is located adjacent to existing built form of the Airfield. It is therefore considered that the development would not result in any harm on the immediate countryside and is considered to be in accordance with Policy EG7 and S5 of the Council's Local Plan.

Clubhouse and control tower

- 10.46 The demolition of the existing dilapidated clubhouse and control tower both received planning permission in 2019 (16/02240/FUL). However, the applicant now seeks to utilise the existing, un-consented on-site portable building to the west of the existing clubhouse (retrospective) with a new control tower erected to the immediate east of the portable building. The clubhouse is a single storey building and is a prefabricated building. Leading onto the front of the portable building is a raised decking area with railings around the decking area. The control tower would be attached to the club house and would lead to a second storey to ensure onlooking views of the Airfield.
- 10.47 The proposed clubhouse would extend the existing built form of the site to the west and beyond the built form of the Airfield. However, it is considered that where the current clubhouse/control tower is situated adjacent to Hangar G, the relocation of the clubhouse/control tower would declutter the entrances to Hangar G and the museum hanger and would provide a more linear form to the site. The proposals would not move the development closer to neighbouring properties and would not be considered to have an adverse impact on the character of the area or amenity of neighbouring developments.
- 10.48 The proposed new clubhouse and control tower would provide an increase in the current footprint of the small clubhouse and control tower from 92m² to 195m², in turn allowing a higher quality of provision within the clubhouse, including dining facilities and bar.
- 10.49 The proposed clubhouse would serve as a check in point for all users of the airfield which would be separated from the car parking area via a security fence, in line with the requirements set by UK Border Force.
- 10.50 York Aviation have commented on this aspect of the proposal and advise that the portacabin which now operates un-consented as the clubhouse is around 195m² which is twice the area of the old clubhouse building. However, the scale of the new facility is not considered unreasonable in comparison to the scale of clubhouse facilities at other similar sized airfields. The proposal notes that the new facility would allow for a higher quality facility than previously, with the ability to include dining facilities and a bar. In addition, a

new tower structure would be provided immediately adjacent to the new clubhouse to replicate the facility lost with the demolition of the old tower and clubhouse that is required to enable the rebuild and extension of Hangar G. As presented, York Aviation does not have any concerns about the proposals in the context of the planning conditions linked to the movement and operational constraints, building usage constraints or noise constraints. Overall, the proposals appear reasonable in terms of the airfield's wider plans to improve the condition and quality of the facilities.

- 10.51 The proposed changes would still retain the clubhouse and control tower which was approved as part of the previous planning permission (16/02240/FUL) but with a new portable building used as a clubhouse. There would be an increase of 103m² in floor space in addition to what was previously approved. Policy S5 makes reference in regard to the replacement of existing buildings and states the following:

“A proposal for the replacement of an existing building (including a dwelling) in the countryside will only be supported where it is of permanent and substantial construction and the proposal is of a high-quality design, being sympathetic with its surroundings and takes opportunities to enhance the immediate surroundings. Only limited increases in floorspace will be supported and development proposals must be proportionate to the building(s) that they replace.

The position of the replacement buildings within the site should be considered comprehensively so that it is located where it would have the least possible adverse impact on the immediate surroundings, the wider landscape and the amenity of the users of existing buildings nearby”

- 10.52 It is considered that the increase in floor space in this clubhouse is a significant increase and equates to an increase in floor space from the existing building by 103m². The building is sited adjacent to existing buildings and would not cause any further impact on the immediate surroundings or the wider landscape of the area. It is therefore considered that the proposed re-development of the clubhouse and control tower is in accordance with Policy EG7 and Policy S5 of the Local Plan.

Museum and Short-Stay Accommodation

- 10.53 The engineering building adjoining Hangar G to the north, served as a maintenance facility between 1985 and 2016, following a CAA programme to improve the quality and auditability of aircraft maintenance organisations, the previous tenant, Graham Fox Engineering had to move to a larger premises within the Airfield (a hangar on the opposite side of the runway), previously tenanted by Swift Aviation. The engineering building has since been tenanted by two private operators who relocated their vintage aircraft to Bagby Airfield.
- 10.54 The applicant has advised that, at 35 years old and comprising light timber and single skin corrugated steel, the engineering building is in need for refurbishment. The current tenants have attempted to make the hangar weather proof however the hangar remains in a poor state of repair and lacks any form of natural light provision.
- 10.55 the applicant considers that given the historical and cultural significance of the two aircraft, it is considered appropriate to update the physical condition of the hangar to better reflect the significance of the aircraft and enable their display to visitors and other interested parties.
- 10.56 The proposed refurbishment would replace the doors on the principal elevation with large glass panels on the front elevation, the remaining exterior is to be clad and together with major internal works, including insulation, upgraded electrical systems and improved security features. The applicant considers that the proposed refurbishment would secure a

high standard of finish commensurate to transform the engineering building into a visitor attraction.

- 10.57 Alongside the ground floor museum, the first floor would comprise short stay accommodation units which benefit from extant permission under planning permission 16/02240/FUL which also established the principal for the conversion and change of use of the engineering building. The first floor would comprise three separate units with a single bedroom and ensuite for use in instances where airfield users require temporary short-stay accommodation.
- 10.58 York Aviation consider that it advisable that a condition on the use of the accommodation is imposed on any grant of planning permission. It is anticipated there may be a need to control the use of the accommodation such that it is only available to airfield members and pilots/users visiting aircraft rather allowing the accommodation to be potentially made available for more general use, which could have wider impacts in terms of traffic and parking. A condition to control use of the accommodation may also prevent growth above the proposed three units to ensure any consent could not be used in the future to set a precedent for the development of some form of hotel or altogether larger capacity facility that might bring with it a range of issues in terms of car parking provision and unwanted additional general site activity. Furthermore the proposals refer to the museum housing two specific vintage aircraft already kept at the airfield. York Aviation advise that they do not anticipate any specific issues that may adversely affect the conditions of use.
- 10.59 The building is not proposed to be extended but to be refurbished and the external elevations of the building to be altered to ensure that the museum building becomes an attractive building with a glass frontage to the principal elevation of the building. As part of this proposed change from an engineering building to a museum it is important to consider Policy EG8 of the Council's Local Plan which states that a proposal for new tourism attractions will only supported where it is demonstrated that:
- a. the scale, form, layout and design is appropriate to its location and would not unacceptably harm the character, appearance or amenity of the surrounding area or wider countryside;
 - b. it would not cause unacceptable harm to the living conditions of neighbours or prejudice the operation of existing land uses; and
 - c. where a countryside location is proposed, the development cannot be located within or adjacent to the built form of an identified settlement in the settlement hierarchy, see policy 'S3: Spatial Distribution', and will be accessible by sustainable travel options.
- 10.60 The proposed tourist facility is re-using an existing building on the site which is situated in a countryside setting, however as the building is an existing building the alterations to the building are appropriate for the location and would not cause any harm to the character and appearance of the countryside. Furthermore, the building is within the confines of Bagby Airfield and is 300 metres away from the nearest property of Rozel, Bagby. Furthermore, as the museum is to demonstrate vintage aircraft the building cannot be located within a defined settlement and subsequently has to be situated within a countryside setting. It is therefore considered that the proposed museum building is in line with Policy EG8 of the Council's Local Plan.
- 10.61 On the first floor of the building it is proposed that a proposal for new tourist accommodation will only be supported under Policy EG8 if:

d. the scale, form, layout and design is appropriate to its location and would not unacceptably harm the character, appearance or amenity of the surrounding area or wider countryside;

e. it would not cause unacceptable harm to the living conditions of neighbours or prejudice existing land uses;

f. occupation can be limited to holiday purposes only;

g. a proposal for a new, or an extension to an existing, caravan, camping or holiday chalet site is accessible to local services and public utilities; and

h. where a countryside location is proposed, the development cannot be located within or adjacent to the built form of an identified settlement in the settlement hierarchy, see policy 'S3: Spatial Distribution', and it will be accessible by sustainable travel options.

In particular support will be given to proposals that meet the above criteria and form part of a comprehensive farm diversification scheme, see policy 'EG7: Businesses in Rural Areas', or are directly linked to the long term conservation and enjoyment of publicly accessible natural and cultural heritage assets. In all cases the approach roads and access to the site have the capacity to cater for the type and levels of traffic likely to be generated by the development.

- 10.62 It is considered that the short term accommodation would only be used for users of the Airfield and would not be open to general members of the public. This limits the amount of people that can use the facility to a maximum of 6 people at any one time being able to use the accommodation. It would be appropriate to impose a condition accordingly on the grant of any planning permission to ensure that the holiday accommodation is limited to users of the Airfield only. It is considered that the scale of the accommodation is of a small nature and does not result in taking away the need for short term accommodation within the village of Bagby. Furthermore, the short-term accommodation meets all the points raised within Policy EG8 and is considered to be acceptable subject to conditions.

Runway Extension

- 10.63 The runway at Bagby Airfield comprises a section of geotextile matting and a central apron, the remaining section of the runway is unsurfaced.
- 10.64 It is proposed that the remaining 33% of the runway is reinforced by the addition of heavy duty plastic tiles. The works propose the top layer to be removed, drainage and a sand substrate introduced and topped with heavy duty plastic tiles to hold reseeded soil. Unlike other small airfields which often incorporate a separate tarmacked runway, once the grass has matured there would be no obvious change to the current characteristics of the runway.
- 10.65 The applicant has stated that the primary purpose of the proposed change to the runway surfacing is to ensure the safety of aircraft movements permitted under current planning controls in most weather and ground conditions. The proposed alteration would not result in performance improvements and has no bearing on the type, size and mass of aircraft utilising the runway.
- 10.66 The applicant has advised that the currently unsurfaced portion of runway has been prone to waterlogging compounded by surface water run-off from the surfaced sections of the runway. Without adequate surfacing there is a risk that saturated ground loses structural integrity, in turn risking a breakthrough of wheels leading to structural failure of the undercarriage, potential damage to the aircraft and loss of control.

- 10.67 The applicant advises that consistency of surface is extremely important and the proposed surface alterations to the runway would provide pilots with a reliable and stable surface, reducing aquaplaning and in turn facilitating landings at reduced power. In contrast the currently unsurfaced section, due to the aforementioned risks, leads to pilots landing at maximum power in turn increasing noise.
- 10.68 York Aviation have commented on this aspect of the proposed development advising that the proposals include for the remaining 33% of the runway length to be reinforced with geotextile matting similar to works carried out in the past on the other sections of the runway. The primary justification of these works is to ensure aircraft safety in relation to water logging of the existing surface and the potential for damage to aircraft wheel gear and risk of loss of control of the aircraft. In work carried out for Hambleton District Council previously (Planning reference: 21/01243/FUL), York Aviation concluded that the proposed benefits of the matting were genuine and that they were unlikely to facilitate increased movements or use by larger aircraft. As such, York Aviation find it again reasonable to assume that the provision of the additional matting in itself is unlikely to result in larger, noisier aircraft or a higher number of movements such that it would lead to a breach of the planning conditions.
- 10.69 The operation of an airfield would normally require a countryside location due to the amount of land required and for separation distance from dwellings to attenuate noise. Bagby Airfield is in a countryside location and the business of operating at the airfield, together with enterprises which depend upon a physically close relationship to the Airfield and that will help support a sustainable rural economy, can take support from policy S5.
- 10.70 The proposed reinforced matting, runway alterations and earthworks for drainage are of a small scale. The site benefits from a runway already, with geo-textile matting. Furthermore, as the proposed development would be located within the developed area of the Airfield the proposed alterations would reflect the existing development at the Airfield and as such, would not result in any harm to the surrounding natural or built environment.
- 10.71 The reinforced matting would also support the activities of the Airfield, albeit not increasing movement beyond the limits set by the planning conditions of planning permission 16/02240/FUL but allowing aircraft to utilise the Airfield more efficiently and when the ground is wet. Policy S5 indicates Development in the countryside will only be supported where it is in accordance with national planning policy or other policies of the development plan and would not harm the character, appearance and environmental qualities of the area in which it is located. The runway extensions would support the development to better meet the needs of tourism and recreation. This type of development is not feasible in any other setting and it is considered that the works to the runway are in principle acceptable under Policy S5 and to the guidance of Government that supports the General Aviation sector.
- 10.72 It is considered that the proposed benefits of the matting are unlikely to facilitate increased movements or use by larger aircraft. As such it is reasonable to assume that the provision of the additional matting in itself is unlikely to result in larger, noisier aircraft or higher number of movements which are controlled by conditions from the 2019 planning permission.

Aircraft Electric Charging Point

- 10.73 It is noted that the charging point is positioned adjacent to the south of the aircraft refuelling bowser. It is considered that the introduction with the provision of a charging point should lead to the first generation of light electric powered aircraft at the Airfield.
- 10.74 York Aviation commented on this proposal advising that the charging point is proposed to be positioned adjacent and to the south of the aircraft refuelling bowser. York Aviation do

not have concerns with the provision of a charging point as this should lead to the introduction of the first generation of light electric powered aircraft at the airfield. These new aircraft types such as the Pipistrel Velis are quieter and cleaner than piston engine or turbo prop aircraft and so come with significant benefits. It is worth noting, however, that at present that the range of available aircraft in this category is limited and as they are both new types and technologically advanced, are expensive in comparison to many of the traditional light aircraft types. Aside from electric light aircraft, there is also the possibility in future for electric vertical take-off and landing eVTOL aircraft to use small airfields such as Bagby. However, while these types of aircraft are likely to be quieter than traditional engine types, they are very much in their infancy with use at present confined to experimental and testing operations. As such, it is not possible to comment with any confidence on the use of this type of aircraft in the future. In terms of these proposals in the context of the planning conditions, York Aviation consider there to be no obvious risk that the introduction of electric charging facilities would give rise to an increase in activity and would certainly not generate an issue in terms of noise nuisance. Furthermore, the Council have imposed conditions to control noise from aircraft, which limits the type of aircraft allowed to land and take off from the Airfield. Therefore, any future electric aircraft would have to comply with noise controls imposed by the Council in respect of this condition.

- 10.75 Policy RM6 of the Council's Local Plan states that renewable and low carbon energy installations including associated infrastructure will be supported. It is considered that the aircraft electric charging point is being situated within the confines of the Airfield and would not result in any direct impact on the countryside. It is also proposed to be sited on a parcel of land where there was previously some old shed buildings which were demolished as part of the previous permission: 16/02240/FUL. It is therefore considered that the aircraft electric charging points are in accordance with Policy RM6 of the Council's Local Plan.

New Bowser

- 10.76 As part of the application a new fuel bowser is proposed to be used on the site, however this would be mobile and has no fixed position on site. There is already one on site with a capacity of 14,000 litres in 4 Pods. The new bowser features eight pods, each capable of holding around 5000 litres of Jet A1 fuel. Importantly, the tank is designed with a double-skinned structure, ensuring compliance with road safety regulations. The applicant hopes that this additional capacity would meet monthly demand even in the high season without resorting to two weekly deliveries as has happened in the past (the applicant has stated that on a summer average for jet A1 fuel sales is approximately 1200 litres per day).
- 10.77 It is worth noting that on the 6 May 2015 the Council issued an enforcement notice alleging a breach of planning control in regard to a mobile fuel facility. The appeal was allowed by the Planning Inspector as it was considered that the fuel facility was not considered to be a building as defined by Section 336 of the Town and Country Planning Act 1990 (as amended) and therefore was not considered to be development. Therefore, as the proposed fuel bowser is proposed to be moveable and not of a large size and has no degree of permanence to the ground it technically does not require planning permission. However, as it has been included within the proposed description it is considered that as it is located within the confines of the Airfield and within a countryside location it is an acceptable form of development which is in accordance with the Council's Local Plan Policies.

Cumulative Impact

- 10.78 It is noted that the various proposed developments on the Airfield would result in an increase in floorspace on several of the hangars. Although this increase could potentially be considered harmful, all the proposed development is taking place within the built form of the

Airfield and is not extending further into the open countryside. Furthermore, the applicant has stated their desire to move away from the hobbyist aircraft and towards more higher end aircraft and subsequently suitable storage space is required. The increase in floorspace of the hangars does not increase the number of aircraft that can be stored in the hangars but ensures they are suitable for the type of aircraft they are seeking to accommodate. It is therefore considered that the proposed changes are acceptable in principle subject to other material planning considerations.

Landscape Impact

- 10.79 Policy E7 of the Local Plan states that the Council will protect and enhance the distinctive landscapes of the district. A proposal will be supported where it takes into consideration the degree of openness and special characteristics of Hambleton's landscapes; and takes account of areas that have been identified as being particularly sensitive to/or sensitive for certain forms of development.
- 10.80 There is limited visibility of the application site from publicly accessible receptors, except for locations around the perimeter of the Airfield. Visibility is principally confined to public highways such as the A19, Moor End Land and Sandy Lane. Beyond its immediate context, there are no negative impacts upon wider landscape character.
- 10.81 The nearest Area of Outstanding Natural Beauty is the Howardian Hills approximately 7.4km to the southeast of the Airfield, with the North York Moors National Park approximately 3.5km to the east.
- 10.82 Whilst the local landscape is small-scale and complex, falling within a traditional area gradually opening out towards the simpler landscapes of the Vale of Mowbray there are overt modern features including the A19 and overhead power lines, these have a localised effect on landscape sensitivity.
- 10.83 The proposed buildings are similar in design, height and materials to those already on the Airfield and as such the development would not result in notable change to the appearance of the site within the landscape. None of the proposed buildings would exceed the highest building on the site which is approximately 9.1m above ground level and it would not be unusual to see buildings of similar form on the Airfield or on agricultural land close to the Airfield. Overall, it is considered that the proposed new and altered buildings are of a design that would not result in harm to the openness, intrinsic character or quality of the landscape; accordingly the proposal complies with the Policy S5.

Contamination

- 10.84 Policy RM5 of the Council's Local Plan states that where there is a potential for a proposal to be affected by contamination the Council will require an independent investigation to determine the nature and extent of the contamination.
- 10.85 The majority of the site is covered with hardstanding and has formed part of the wider airfield operations for many years. Overall, there are no visual or olfactory signs of contamination and the site is considered suitable for its proposed use and therefore no further investigation is required and is considered to be in accordance with Policy RM5 of the Council's Local Plan.
- 10.86 It is noted within the comments of contamination near the Harpin Hangar due to the operation of the temporary fuel facilities. However, this hangar and the fuel facilities are

outside the red line boundary of the application site. Any contamination or leaks from a mobile fuel facility falls under the remit of the petroleum licensing authority at the Council.

Ecology

- 10.87 Policy E3 of the Council's Local Plan states that all developments will be expected to demonstrate the delivery of a net gain for biodiversity. The development will not be supported if there is significant harm to biodiversity resulting from the development has been avoided (through locating on an alternative site with less harmful impact), adequately mitigated, or, as a last resort, compensated for; and b. they demonstrate proportionate long-term maintenance arrangements to ensure that biodiversity net gain will be resilient to future pressures from further development or climate change; and c. they clearly demonstrate that there is an overriding public need for the proposal which outweighs the need to safeguard biodiversity with no satisfactory alternative site with less or no harmful impacts
- 10.88 As part of the application an ecology report has been submitted which assesses the current status of the buildings which are proposed to be renovated or demolished. The ecological report provided notes that a small common pipistrelle day roost was identified in the control tower. A license would be required to be obtained from Natural England prior to any demolition works. As part of the Council's Policy the applicant has to demonstrate that any significant harm to biodiversity is avoided or is adequately mitigated or compensated for. The works to the building are required as part of the development of the site and due to the poor condition of the building and subsequently suitable mitigation is required to ensure protected species are protected from any harm. The submitted Bat Survey noted the presence of bats. The submitted report sets out that works on the control tower/clubhouse should be the undertaken last as part of the whole development. This would ensure that any bats present move away of their own accord and avoid the chance of them relocating to other crevices in other buildings on site. Then prior to the demolition of the building an interim box would be installed to encourage the bat to roost away from the building. It is then proposed to install a new bat roost box on the new build to ensure adequate mitigation has been afforded to the biodiversity habitat and protected species. It is necessary to impose a suitably worded condition to ensure that the recommendations of the bat survey are implemented on site and further details of the position of the bat roost can be agreed with the Council. It is considered that the proposed mitigation is adequate and consequently the proposed development accords with Policy E3 of the Council's Local Plan.
- 10.89 A Biodiversity Net Gain assessment has been carried out which has demonstrates that there would be overall net gain of 1.83 habitat units and no change in hedgerow units. The net gain would be largely secured through enhancements of grassland along the western boundary to a more valuable species rich grassland in better condition. All these works would be carried out within the blue line of the application site and within the applicant's ownership.
- 10.90 The planning application was submitted to the Council on the 12 January 2024, and Biodiversity Net Gain became mandatory for all major developments in the Country on the 12 February 2024. As the application was submitted before mandatory biodiversity net gain requirements the applicant only needs to justify that the proposed net gain of biodiversity complies with Policy E3 of the Council's Local Plan. Policy E3 states that states that all developments will be expected to demonstrate the delivery of a net gain for biodiversity. An assessment has been undertaken by the applicant which demonstrates a net gain of 1.83 habitat units this equates to a 51.45% net gain being achieved. It is therefore considered that the development is in accordance with Policy E3 of the Hambleton Local Plan.

Highway Safety

- 10.91 Policy IC2 of the Council's Local Plan states The Council will work with other authorities and transport providers to secure a safe and efficient transport system that supports a sustainable pattern of development that is accessible to all. Paragraph g states appropriate provision for parking is incorporated, taking account of; i. highway safety and access to, from and in the vicinity of the site; ii. the accessibility of the development to services and facilities by walking, cycling and public transport; iii. the needs of potential occupiers, users and visitors, now and in the future; iv. the amenity of existing and future occupiers and users of the development and nearby property; and v. opportunities for shared provision, where locations and patterns of use allow.
- 10.92 The existing access connecting to Bagby Lane would be retained. As the proposed development seeks to upgrade existing hangars on site and provide enhanced facilities for existing and future members. The hangars are proposed to be improved and facilities on the site are to be improved and thus it could be conceived that this could attract more people to the site. The access to the site has been approved as part of planning permission 21/00081/FUL and it is considered that the current access arrangements to the site would be able to safely enable any additional traffic movements to the site. The access to the site has been built to highway standards and is of suitable width to accommodate vehicles leaving and entering the site at the same time. Furthermore, the site also provides ample parking provision within the site to accommodate the number of visitors to the site.
- 10.93 The proposal also involves a museum and short stay visitor accommodation however this would not be open to members of the public and would only be available to people who are using the Airfield facilities. This can be controlled by the imposition of a condition to ensure that further visitors are not visiting the site and causing pressure on the car parking and access into the site. It is therefore considered that the development does not cause a severe danger to highway safety and is considered to be in accordance with the Council's Local Plan and the overarching principles of the National Planning Policy Framework.
- 10.94 The proposed changes to the rear of the new clubhouse would increase pedestrian safety by ensuring a segregation between operating aircraft and pedestrians whilst also ensuring non-authorised individuals cannot gain access to airside without checking in at the clubhouse beforehand. It is therefore considered that the development is in accordance with Policy IC2 of the Council's Local Plan.

Drainage and Flood Risk

- 10.95 It is noted that the site is not within a Flood Zone however as the site is a major development the applicant has submitted a Flood Risk Assessment as part of this application. The site is in flood zone 1.
- 10.96 The proposals consist of mostly upgrades to the existing buildings on site, with the exception of the proposed Tractor Shed to the north of Hangar F which would utilise existing drainage provided at the rear of Hangar F.
- 10.97 As set out in the submitted Flood Risk Assessment and Drainage Strategy a series of precautionary mitigation measures have been recommended and implemented as part of the design to mediate the residual risks of surface water flooding arising from the site topography. It is therefore recommended that the following mitigation measures are undertaken:

- Finished Floor Levels should be set a minimum of 150mm above general external levels.
- External levels should be designed with falls to direct overland flows away from the building entrances where possible, so that any flooding remains in less vulnerable areas such as landscaped areas, car parks, or roads, where the consequences of surface water flooding would be less significant. Where falls towards buildings are unavoidable, additional cut-off drainage and gullies/channel drains should be provided to prevent water entering buildings during extreme events.
- The proposed ground floors shall comprise solid concrete slabs or beam and block floors with screed construction.
- Incoming electricity supplies shall be raised above lower ground floor level (after the meter).
- A sustainable surface water drainage system shall be provided to manage surface water run-off from the site itself up to the 1 in 100 year plus climate change event.

10.98 It has been determined that infiltration techniques are unsuitable on this particular site, and discharge to the drainage ditches around the site is therefore the next hierarchically preferential solution. It is proposed that surface water from the proposed Northern development area shall be discharged to the drainage ditch to the northwest. It is then proposed that attenuation storage within the northern system and 30m³ of storage within the southern system. Storage shall be provided within below-ground tanks. Open SuDS features are not proposed due to the risk of attracting birds and endangering aircraft. It is considered appropriate to impose a suitably worded condition to ensure details of the drainage strategy are implemented as set out in the recommendations above and also for further details to be provided by the imposition of a planning condition in regard to any surface water drainage off the site to ensure that sustainable surface water drainage system would be provided to manage surface water run-off from the site itself up to the 1 in 100 year plus climate change event.

10.99 As the Airfield site is already served by a foul drainage system, it is proposed that foul water from the proposed development shall be discharged to the existing on-site system, subject to further condition and capacity checks prior to detailed design. It is therefore considered subject to suitable conditions, to include final foul water drainage proposals once condition and capacity check has been undertaken, the development will be in accordance with Policy RM3 of the Council's Local Plan in which a development will only be supported where surface water and drainage has been addressed.

Noise

10.100 Policy E2 of the Council's Local Plan states that all proposals will be expected to provide and maintain a high standard of amenity for all users and occupiers including both future occupants and users of the proposed development as well as existing occupants and user of neighbouring land and buildings. A proposal must ensure that there are no significant adverse impacts in terms of noise, odour and obtrusive light pollution.

10.101 The proposed development will not facilitate an intensification of operations at the Airfield, as set out previously the airfield is transitioning to prioritise higher value operators with more modern aircraft over hobbyists and larger volumes of microlights and smaller aircraft.

10.102 The airfield would continue to operate within the limitations controlled by the conditions imposed on planning permission: 16/02240/FUL. It is recommended that these conditions

should be re-imposed on any grant of planning permission. These include conditions regarding the type of aircraft allowed to land and take off from Bagby Airfield; noise controls on the type of aircraft and time of movements of aircraft. The new hangars proposed would operate as storage for aircraft only with only maintenance allowed on the aircraft to ensure the aircraft is airworthy. The proposed tractor shed would store aircraft and equipment to maintain the airfield.

- 10.103 The proposed Tractor Shed would result in a northwards expansion of 19 metres towards the built form of Bagby, however a significant distance of 160 metres would be retained between the buildings on site and the nearest residential property Cherrytree Farm. This would result in no additional noise impact on the neighbouring residential properties.
- 10.104 Currently under consideration by the Council is an application seeking to vary noise controls in regard to fixed wing aircraft (Planning Reference: ZB23/02537/MRC). The proposed application seeks to increase the noise controls on the site by 3dB. However, as noted within the officer report in relation to this application an increase in 3dB is considered minor in nature and would not be noticeable to members of the public. Therefore, if planning application ZB23/02537/MRC is approved by members of the planning committee it is suggested that the revised condition should also be imposed on any grant of planning permission in respect of this planning application to ensure continuity, consistency and enforceability.
- 10.105 Another matter to consider is that the potential for more visitors to the site could cause more noise and disturbance to local residents. However, it is noted that the access to the site is outside the confines of the village of Bagby and the majority of visitors to the site would access the Airfield via the A19 and therefore would not have to travel through the village of Bagby. It is therefore considered that any increase in visitors to the Airfield would not cause any significant noise and disturbance to the village of Bagby.
- 10.106 It has been raised that aircraft are using the Airfield and flying in the early hours of the morning and evening which causes more disturbance to local residents. The operating hours of the Airfield has the ability to and is capable of being controlled by condition and a suitably worded condition has been imposed to control movements in and out of the Airfield. It is worth noting in 2024 that there have been two breaches of the operating hours of the Airfield and no breaches of the operating hours occurred in 2023. The Council are continuing to monitor alleged breaches in relation to the operating times.
- 10.107 It is therefore considered that imposing the previous conditions on the operations of the Airfield, controlling the type of aircraft and the times aircraft can use the Airfield would ensure that the development does not result in any significant noise and disturbance to local residents. It is therefore considered that the proposed is in accordance with Policy E2 of the Council's Local Plan.

Safety Audit

- 10.108 It is noted within the comments received from objectors and the Parish Council a Safety Audit has been requested to be conducted on the site. It is worth noting that in 2021 an application for "Retrospective and proposed concrete alterations to the existing runway, reinforced geo-textile matting to runway and earthworks to facilitate drainage" (Planning Reference: 21/01243/FUL) incorporated changes. These changes were to the north of the runway and clarity was sought to ensure that these alterations to the runway were necessary to achieve aviation safety. The works as part of this application to the south of

the site which involve geotextile matting is a consideration and the same matters raised should be considered here as follows:

Does the changing of the surface improve safety of aircraft landing and taking off from the Airfield?

The applicant's supporting statement in response to this question in the consideration of planning application 21/01243/FUL sets out the following:

'When aircrafts land or take off from an Airfield they prefer well drained surfaces to avoid aquaplaning. Consistency of grip over the length of the runway aids a pilot's confidence and reduces workload at a critical point. Smaller aircraft do not have anti-lock systems, so therefore skidding and subsequently gripping destroys the tyres. Skidding tends to force the pilot to release the brakes with the risk of insufficient brake application resulting in running off the end of the runway.

Soft areas along the runway are unpredictable in nature, have a very significant and detrimental impact on the aircraft's performance and makes it very difficult for the pilot to make the crucial call of whether to attempt to continue a take-off or landing in real time, often in challenging conditions, be that rain, wind, or at night. Plastic tiles with grass growing through ameliorate that condition. Furthermore, transitions in surface levels caused by tramping, compaction or subsidence are most harmful to smaller aircraft to the point of causing possible airframe damage as they, are by definition, less robust'.

Subsequently, following the receipt of this additional information, officers have consulted with York Aviation regarding their views in respect of the additional information received, who have advised as follows:

'Other than a review of photographs provided in support of the application, we have been unable to verify many of the aspects related to the condition of the previous matting and general ground conditions. If the conditions described are accurate then we believe these may act as an impediment to operators choosing to use Bagby. This may manifest itself as operators not flying into Bagby from their usual bases, or in operators choosing not to take up hangarage and base themselves at the Airfield, particularly where they wish to operate over a longer period of the year than the summer months when the grass runway conditions could generally be expected to be better than in the shoulder periods and the winter. Both of these could damage the ability of Bagby Airfield to deliver local economic benefits.

In changing the surfaces of the runway, is this a performance aid, thereby allowing larger, noise aircraft to use the airfield?

The response to this question from the applicant in the consideration of planning application 21/01243/FUL was as follows:

'The airfield is only really accessible by small aircraft can approach the airfield slowly and land in a limited distance. Larger aircraft (over 5.7 tonnes) would need typically 1,000 to 1,500 metres to take off and land. This is twice the available landing distance available at Bagby Airfield.

Smaller jet aircraft would also require much longer runways, irrespective of size or weight.

Changing from a well groomed grass runway to a concrete runway would only improve performance by 10%. In the scope of typical pilot calculations this is not a significant factor and does not open the airfield to a greater number of larger/noisier aircraft. Also, under the previous planning approval there are a number of restrictions in regard to noise levels, and the maximum take off weight of aircraft, so this issue is largely irrelevant as the Council's restrictions are a very limiting factor on size and type of aircraft that can use the Airfield'.

Subsequently the view of York Aviation in response to the above information in the consideration of planning application 21/01243/FUL was as follows:

'In our review of the original matting installation, undertaken for Hambleton District Council in 2011, we determined that the provision of matting was unlikely to expand the types of aircraft using Bagby due to the constraints associated with the overall weight bearing capabilities of the ground under the matting. Even with the substrate works (which we understand are for drainage rather than structural support) we believe this to remain the case, particularly when it is considered that not all the runway is covered with the matting and therefore many aircraft will still be required to travel across the non-matted section of runway as they take-off or land. Furthermore, we agree with Caledonian Aerospace's assertion that the runway length will remain a constraint on the types which could operate at Bagby Airfield. We believe our findings in 2011 remain valid today and that the matting is unlikely to lead to additional types using Bagby. In so far as an expanded fleet may choose to use the Airfield, these will be subject to the controls already in place related to individual aircraft noise and (where relevant) weight'.

Other Issues

- 10.109 Comments have been received in regard to the status of Fox Engineering and the suspension of a license from the CAA (Civil Aviation Authority). Fox Engineering currently operate out of the Maintenance Hangar on the far side of the runway and were responsible for the maintenance of commercial aircraft which can operate in and out of Bagby Airfield. However, Fox Engineering does have a partial suspension of a license and cannot currently maintain aircraft of a commercial aircraft and subsequently are only allowed to maintain leisure aircraft such as hobbyist. It has been raised that as maintenance is not able to take place on the site and only hobbyist aircraft can be maintained this does not comply with the applicant's vision of the business that it seeks to come away from hobbyist aircraft.
- 10.110 Although, a license has been suspended commercial aircraft can still operate out of the Airfield without a maintenance facility. The maintenance of aircraft is the responsibility of the owner of the aircraft and not the owner of the Airfield. Therefore, the applicant's vision to have more commercial aircraft operating out of the Airfield is still applicable.
- 10.111 It has been raised that the Airfield is not controlled by cameras and the monitoring system is not reliable. It is noted that a monitoring system is operational and is recording data of aircraft movements in and out of Bagby Airfield. The Council are satisfied that the monitoring system is collecting data accurately and is working in accordance with the planning permission granted in 2019: 16/02240/FUL.
- 10.112 It has been noted that the Council should be provided with proof that there is a qualified manager on site and qualified radio controllers on site. As part of the Section 106 Agreement for planning permission 16/02240/FUL there is a requirement that a manager is on site at all times during the operating hours of the Airfield. This has been raised with the Council previously and evidence was presented that the Airfield does have a manager on site during the operation of the Airfield. In regard to radio controllers, all airfields require one

in order to have communication with aircraft, however the license and controls are managed by different organisations and therefore is outside of the planning regime.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 The application seeks planning permission for a re-development of several buildings within Bagby Airfield. As the site is within a countryside location and is a business in a rural area it is considered that the proposal to re-develop certain buildings is in accordance with the Council's Local Plan Policies as the majority of the re-builds are on the same footprint as existing buildings or involve appropriate increases in floor space of existing buildings. The proposal is considered acceptable and in accordance with Local Plan policies in respect of all other material considerations, as set out in the above assessment, subject to the imposition of the recommended planning conditions.
- 11.2 It is important to acknowledge that the proposed development is not the operational expansion of the airfield and would not result in operations at the airfield surpassing that to which they are limited under condition 13 of planning permission ref. 16/02240/FUL (the number of aircraft movements allowed within a calendar year). Rather, the expansion of the business would be in the form of increasing the quality of existing on-site facilities and providing sufficient storage space to support the goals outlined in the applicants Business Plan.
- 11.3 The proposed development would enable Bagby Airfield to move away from smaller hobbyist aircraft and microlights to more modern aircraft. Alongside enhancing the security of the airfield and the safety of its operators, the proposed works would enable the airfield to comply with UK Border Force regulations and attendant HMRC import/export rules, enabling arrival and departure from, and to, EU and non-UK destinations. The proposals would improve the current hangar space on the site and also provide upgraded clubhouse facilities to accommodate visitors to the site. Furthermore, the application also proposes the introduction of a museum for visitors to the airfield to view vintage aircraft on display at the Airfield. It is considered that these changes are in line with the Council's Local Plan Policies and the overarching principles of the NPPF.
- 11.4 As set out in HM Government's (2015) General Aviation Strategy (GAS), to survive GA airfields must adapt, the adaptations proposed within the subject application will secure the airfield's future in the face of rapid change and financial pressures. Particular support is received at the National Level, with Bagby Airfield forming an important component in a broad network of UK aerodromes, the protection and enhancement of which is key to the UK Aviation Policy Framework.
- 11.5 Overall, the proposed developments at Bagby Airfield secure the long-term sustainability of a general aviation airfield whilst improving the quality facilities available to its members and visitors. Therefore, it is proposed that the development is in accordance with the Council's Local Plan Policies and is recommended that the development be approved.

12.0 RECOMMENDATION

That planning permission be GRANTED subject to the conditions listed below:

1. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing detailed below received by North Yorkshire Council on the dates shown:

Proposed Elevations Hangar F (Drawing Number:033) – 12 January 2024

Site Location Plan (Drawing Number: 001) – 12 January 2024

Floor Plan Proposed (Drawing Number: 020) – 12 January 2024

Proposed Elevations Club House and Control Tower – 12 January 2024
Proposed Site Plan (Drawing Number: 003) – 12 January 2024
Proposed Elevations Hangar G (Drawing Number: 015) – 12 January 2024
Block Plan Proposed (Drawing Number: 004) – 12 January 2024
Proposal for a Tractor Shed – 12 January 2024
Proposed Elevations New Hangar (Drawing Number: 021) – 12 January 2024
Proposed Plans – 12 January 2024
Proposed Elevations Museum (Drawing Number: 013) – 12 January 2024
Floor Plans Proposed (Drawing Number: 011)
Floor Plan Proposed Hangar F (Drawing Number: 031) – 12 January 2024
Drainage Strategy – 25 April 2024
Proposed Plans and Elevations – 25 April 2024
Manufacturer Details of Geotextile Matting – 25 April 2024
Site Layout Plan – 22 May 2024
Landscape Proposals – 22 May 2024

Reason: In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the adopted Local Plan Policies S1, E1, E2 and E7.

2. The Aircraft Surveillance Cameras and Virtual Radar approved under discharge of condition application 16/02240/DCN shall be maintained in accordance with the approved details and shall provide the data on a freely and publicly accessible website(s).

Reason: In order to ensure that surveillance of aircraft is undertaken to enable records to be kept to ensure that in turn controls over the numbers and tracking of aircraft movements detailed in other conditions and the associated planning obligation can be enforced and so that the amenity of the local population is safeguarded in accordance with the adopted Local Plan Policies S1 and E2.

3. No oils shall be stored outdoors unless impervious bund walls have been formed in accordance of details previously submitted to and approved in writing by the Local Planning Authority. The bund shall be retained and maintained in accordance with the industry best practice guidance at all times that fuel is stored within the bund.

Reason: To prevent pollution to the water environment in accordance with the Local Plan Policies S1 and RM5.

4. The number of all movements at the Airfield shall not exceed 8,440 per calendar year of which:
 - a) A maximum of 676 may be by helicopters;
 - b) A maximum of 1,700 may be Touch & Go movements; and
 - c) There will be a maximum of 1,518 movements of all types in any calendar month.

(For the avoidance of doubt a landing is one movement. A take-off is one movement. A touch and go is two movements. A take-off, followed by a touch and go, and then a landing is four movements.)

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

5. The airfield operating hours shall not exceed:
 - a) 0700-2200 local time Monday to Friday for resident aircraft, with no movements permitted outside of these hours except in the case of emergencies;

- b) 0800-2100 on Saturdays, Sunday and Public Holidays for resident aircraft, with no movements permitted outside of these hours except in case of emergencies;
- c) 0900-1900 each day for non-resident aircraft, with no movements permitted by non-resident aircraft outside of these hours except in case of emergencies.

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

- 6. No more than 5 aircraft movements may occur between 0700 and 0900 hours local time, Monday to Friday, of which a maximum of 2 may operate between 0700 and 0730 hours.

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

- 7. No more than 4 aircraft movements may occur between 0800 and 0900 hours local time on Saturdays.

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

- 8. No more than 2 aircraft movements may occur between 0800 and 0900 hours local time on Sundays and Bank Holidays.

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

- 9. No more than 6 aircraft movements may occur between 2000 and 2200 hours local time, Monday to Friday, of which a maximum of 2 may operate between 2100 and 2200 hours.

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

- 10. No more than 4 aircraft movements may occur between 2000 and 2100 hours local time, on Saturdays, Sundays and Public Holidays.

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

- 11. No more than 10 helicopter movements may occur on any day.

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

- 12. No more than 4 non-resident helicopter movements may occur on Saturdays, Sundays and Public Holidays.

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

- 13. No fixed wing aircraft may operate at other than in accordance with the following requirements:

- 1.a) In the case of aircraft with Noise Certification in the UK under Chapter 6 Noise Register with a maximum overflight limit of 79.7 dB(A) or

b) In the case of aircraft with Noise Certification on the UK Register under Chapter 10 Noise with a maximum overflight limit of 85.7 dB(A) for aircraft types certified between the 17 November 1988 and 4 November 1999.

c) In the case of aircraft with Noise Certification on the UK Register under Chapter 10 Noise with a maximum overflight limit of 84.6 dB(A) for aircraft types certified after 4 November 1999.

Fixed wing	Movement	Limit dB(A)
Chapter 6	Overflight	79.7
Chapter 10	Overflight	85.7 (Aircraft between 17 November 1988 and 4 November 1999)
Chapter 10	Overflight	84.6 (Aircraft certified after 4 November 1999)

d) In circumstances where fixed-wing aircraft do not have a Noise Certificate on the UK Register no aircraft with a certified Maximum Take-Off Weight (MTOW) of greater than 2,730kg may operate.

(The relevant data for UK registered aircraft is available on the G-INFO website)

2. Aircraft that do not meet the terms of 1. a) or b) may only operate on notified Fly-In days when they are proven to have at least two of the three characteristics:

- a) The aircraft was first manufactured more than 50 years prior to the current date;
- b) They do not currently have an internationally recognised certification basis;
- c) They can evidence that the aircraft (or their type) were at one time, on a military register.

Any aircraft operating under 2 above shall not arrive more than 48 hours prior to the commencement of a Fly-In day. The aircraft may not depart from and return to the airfield prior to or during the Fly-In day. The aircraft shall leave either on the day of the Fly-In day or at the earliest reasonable opportunity thereafter consistent with weather related conditions, at Bagby, their intended destination, any diversion and the en-route weather. No return shall be permitted after departure from the Fly-In day.

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

14. No helicopters may operate other than in accordance with the following requirements:

a) In the case of aircraft with Noise Certification on the UK Register under Chapter 8, a maximum Take-Off limit of 92 EPNdB and a maximum Approach limit of 94 dB(A); or

b) In the case of aircraft with Noise Certification on the UK Register under Chapter 11, a maximum overflight limit of 84 dB(A) SEL (single event limit).

Rotary wing	Movement	Limit
Chapter 8	Take-Off	92 EPNdB
Chapter 8	Approach	94 EPNdB
Chapter 11	Overflight	84 dB(A) SEL

c) In circumstances where a helicopter does not have a Noise Certificate on the UK Register no aircraft with a certified Maximum Take-Off Weight (MTOW) of greater than 2,730kg may operate.

(The relevant data for UK registered aircraft is available on the G-INFO website.)

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

15. No more than 3 Fly-In days shall be permitted in any one calendar year, each of which shall have been previously notified to the Local Planning Authority at least 30 days in advance. There shall be a maximum of 150 aircraft movements on any Fly-In day

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

16. The scheme for the provision and enforcement of transponders on aircraft has been submitted under discharge of condition 16/02240/DCN03. The scheme includes provision for:

- (i) a list of all resident aircraft; and (
- ii) all resident aircraft ('resident aircraft' are those kept at the Airfield for 14 days or more) must be fitted with transponders compatible with the virtual radar required in conditions 2 and 23.

The agreed scheme shall include the timetable for implementation and be implemented as agreed and retained thereafter.

Reason: In order to ensure that radar surveillance of aircraft can be undertaken to enable records to be kept and ensure that controls over the numbers and tracking of aircraft movements detailed in other conditions and the associated planning obligation can be enforced and so that the amenity of the local population is safeguarded in accordance with the Local Plan Policies S1 and E2.

17. The scheme for aircraft movement recording, shall be implemented as per details provided under discharge of condition 16/02240/DCN03. The scheme includes provision for:

- (i) the surveillance of each and every air movement on the application site;
- (ii) details of time and date of each air movement;
- (iii) reporting requirements; and
- (iv) public access by website.

The agreed schemes shall be implemented as agreed and retained thereafter.

Reason: In order that the records of aircraft movements are kept and ensure that controls over the numbers and tracking of aircraft movements detailed in other conditions and the associated planning obligation can be enforced and so that the amenity of the local population is safeguarded in accordance with the Local Plan Policies S1 and E2.

18. Hangars F, G, New Hangar, Tractor Shed, shall not be used other than for the purpose of aircraft storage and ancillary maintenance of aircraft for the purposes of keeping aircraft airworthy. No commercial maintenance activities are to be permitted within hangars F, G, New Hangar and Tractor Shed.

Reason: In order to ensure that the aircraft hangars are not used other than for their authorised purposes to both safeguard the amenity of the local population and to enable the economic benefits of the commercial use to be achieved in accordance with Local Plan Policies S1 and EG7.

19. With the exception of Low Rev engine running, all ground running and High Rev testing of engines may only take place at the threshold of Runway 06. Low Rev testing of

engines associated with the use of Hangar B, as shown on drawing 1452-10 with 16/02240/FUL, must take place only to the immediate west of the entrance to this building.

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

20. No aircraft of any type shall enter the area on the northern side of the runway shown hatched on the attached plan as detailed within planning approval 16/02240/FUL.

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

21. Other than the existing runway lighting and /or its replacement, no additional external lighting shall be installed other than in complete accordance with details submitted under 16/02240/DCN04.

Reason: In accordance with Local Plan Policies S1, E1 and E2 to safeguard the amenity of the local population and the environment from the adverse of light pollution.

22. Bagby Airfield shall not be used by any fixed-wing turbo-jet or turbo-fan aircraft, excluding fixed wing turbo-prop aircraft

Reason: In accordance with Local Plan Policies S1 and E2 to safeguard the amenity of the local population.

23. No external lighting for the access or access road or parking areas shall be provided other than in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: In accordance with Local Plan Policies S1, E1 and E2 to safeguard the amenity of the local population and the environment from the adverse of light pollution.

24. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority

Reason: To ensure that surface water is discharged via appropriate means in accordance with Policy RM3 of the Council's Local Plan.

25. The first floor short stay accommodation located above the museum building must comply with the following requirements that:

- (i) the accommodation shall be for holiday purposes only;
- (ii) the accommodation shall not be occupied as a person's sole, or main place of residence;
- (iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of the accommodation on the site, and of their main home addresses. The owner/operator shall advise the Local Planning Authority of the name and address of the holder of the records and shall make the information on the register available at all reasonable times to the Local Planning Authority.

Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation and can thereby contribute to the economy without undue

demands on local schools, social and health services etc, and in accordance with the objectives of the Hambleton Local Plan policies S1, S3 and EG8.

26. The first floor short accommodation hereby approved shall only be used by people associated with Bagby Airfield. The accommodation shall not be used by members of the public who are not using any of the facilities at Bagby Airfield.

Reason: To ensure that the accommodation is only used by members associated with Bagby Airfield to ensure that there is not a influx of people not associated with the Airfield visiting the site in accordance with Policies EG8, IC2 and S1.

27. Prior to the occupation of the hangars and in the next available planting season the landscaping plan submitted on the 22 May 2024 shall be implemented and maintained in accordance with the details as provided to the Local Planning Authority.

Reason: In order to ensure that the landscape and biodiversity mitigation measures are achieved in accordance with Local Plan Policies S1 and E7.

28. The Bat survey submitted to the Local Planning Authority on the 12 January 2024, shall be implemented in accordance with all the mitigation measures set out within the section titled "Natural England License". Prior to the demolition of the existing clubhouse details of the proposed bat roost box to be installed on the site shall be submitted to and approved by the Local Planning Authority. The approved bat roost box shall installed in accordance with the approved details before the demolition of the existing clubhouse building.

Reason: To ensure that appropriate adequate mitigation measures are in place to protect the existing habitat on site in accordance with Policy E3 of the Council's Local Plan.

29. The Flood Risk and Drainage Strategy document submitted to the Local Planning Authority on the 12 January 2024, shall be implemented in accordance with the summary section (pages 29-30). Surface water drainage details demonstrating the management of surface water run-off from the site up to the 1 in 100 year plus climate change event shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved details.

Reason: To ensure that adequate maintenance of the drainage systems are maintained in accordance with Policy RM3 of the Council's Local Plan.

30. Prior to the commencement of development details of the maintenance plan for surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that adequate maintenance of the drainage systems are maintained in accordance with Policy RM3 of the Council's Local Plan.

31. Prior to the commencement of development details of how the foul water will be discharged to the existing on-site system (or any new system if required) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that measures are in place to manage foul sewage off the site in a controlled manner in accordance with Policy RM3 of the Council's Local Plan.

Target Determination Date: 19 September 2024

Case Officer: Craig Allison, craig.allison@northyorks.gov.uk

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North Yorkshire Council

Community Development Services

Thirsk and Malton Area Planning Committee

19 DECEMBER 2024

ZE24/04403/MFU Construction of office building with associated workshop and vehicle storage space (Class E) along with external site compound, covered cycle storage building and associated accesses, car parking and landscaping | Land South of Riccal Drive Helmsley L

Report of the Head of Development Management – Community Development Services

1.0 Purpose of the Report

- 1.1. To determine a planning application for Construction of office building with associated workshop and vehicle storage space (Class E) along with external site compound, covered cycle storage building and associated accesses, car parking and landscaping on land South of Storey Close, Helmsley, for the North York Moors National Park Authority.
- 1.2. This matter is brought to Committee owing to the degree of public interest in the matter and the nature of the planning issues raised in representations.

2.0 SUMMARY

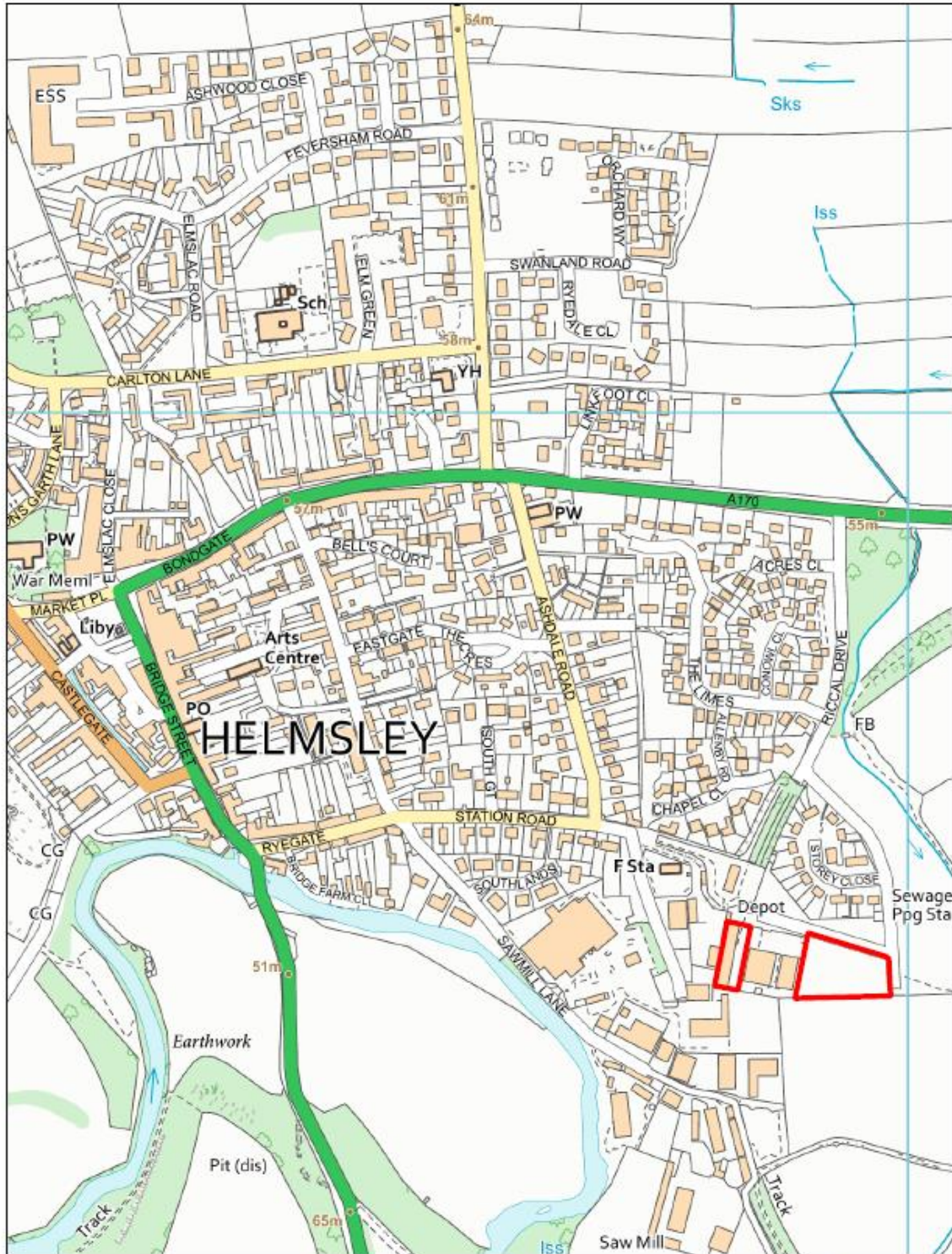
RECOMMENDATION: That planning permission be GRANTED subject to conditions listed below and completion of a S106 agreement with terms as detailed in Table 1.

- 2.1. The proposed development is for the formation of a new Headquarters Building for the North York Moors National Park Authority. The Authority is currently located over two main sites in Helmsley. The Old Vicarage on Bondgate and the Ranger Service at Sawmill Lane. The intention is to bring both these functions together in a purpose-built development on land allocated for employment uses, off Riccal Drive on the south edge of Helmsley.
- 2.2. The site is accessed from the A170 via Riccal Drive. The area is of mixed character with agricultural fields to the south, industrial warehousing to the west and housing development to the north and east.
- 2.3. The principle of employment development in this location is supported by the Helmsley Plan which allocates the site for employment uses. It is noted that the relevant policies set a number of criteria for the development of the site. These are discussed in the main body of the report, but the development is considered to be broadly in-line with these criteria. The only significant element of deviation is the requirement for a co-ordinated approach to the delivery of the allocations as a whole. Again, this is discussed in the main body of the report.
- 2.4. The most pertinent key issues are the impact of the proposals on the character and appearance of the area. The potential for impact on residential amenity and the use of the

access for additional traffic. Issues of the principle of employment use over residential use of this site are also set out in representations. In short, commentary in representations is that the site would be preferred for development for housing, rather than employment uses.

- 2.5. The development will result in a change to the character of this area, although it is considered that the design and form of development proposed has perhaps less impact visually, than an industrial building which might otherwise be expected on land allocated for employment purposes, akin to the industrial buildings immediately to the west of the application site.
- 2.6. The main change anticipated by local residents and raised in representations, is the increase in and change to the character of vehicular traffic. However, the Highway Authority is satisfied that this does not result in an unacceptable road safety issue and officers are otherwise satisfied that the changes to the noise environment and character of the area, are acceptable and do not result in any significant impact on residential amenity.
- 2.7. Following public consultation, pre submission the following matters were amended:
 - The visitors car-park entrance was moved to the side access road, rather than from Riccal Drive. This has also enabled opportunity for better screening of the building through the landscaping along Riccal Drive.
 - Increased amount of stone used within the facade of the building to match surrounding properties in Riccal Drive and an enhanced facade to the elevation facing the access road to ensure the view from Riccal Drive is the highest quality.
 - Improved the boundary treatments using stone walling and hedging to increase the frontage appeal of the site to overlooking properties.
- 2.8. On balance, it is considered that planning permission should be granted. The development does result in some minor harmful impacts on the character of the area owing to the introduction of development onto land that is currently of a rural and open character, along with the additional activity introduced into the locality. However, the site is allocated for employment purposes and it is considered that the development, both in terms of the proposed building and associated infrastructure, along with the new and additional activity introduced into the area, can be reasonably and successfully integrated.

ZE24/04403/MFUL



North Yorkshire Council
Ryedale House
Malton
North Yorkshire
YO17 7HH

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Scale: 1:5000

3.0 Preliminary Matters

- 3.1. Access to the case file on Public Access can be found here:- [Case File on Public Access](#)
- 3.2. The proposed site plan for the development is set out at Appendix A.
- 3.3. There are no relevant planning applications for this application site. However, the following applications in the near vicinity should be noted.

23/00001/MOUT - Hybrid Planning Application comprising:

- 1) Outline planning application for residential planning permission for up to 50 dwellings, with all matters reserved;
- 2) Outline planning application for mixed use development for commercial, industrial and storage uses with associated open space, all matters reserved. Total area 3.12ha. Pending Decision –

This site comprises the field to the south of the application site, subject of this application. The decision on this application is pending.

17/01238/MFUL Erection of 7no. four bedroom dwellings, 33no. three bedroom dwellings and 6no. two bedroom dwellings with associated garaging, parking, amenity areas, landscaping, bridge across Spittle Beck, associated infrastructure, public open space and formation of vehicular access- Approved 2019

This is a site to the east and north-east of the application site. This development has been completed.

4.0 Site and Surroundings

- 4.1. The application site extends to 0.68 hectares and is located on the southern edge of the settlement of Helmsley. The site is currently over-grown rough grass and scrub (at the time of writing this has been flail mowed). There is an existing road access immediately to the north of the site (which is not part of the adopted highway), which provides access through to the adjacent warehouse buildings occupied by Historic England and to the former print works further to the west, in the ownership of the applicant.
- 4.2. The site is accessed from the main A170 via Riccal Drive, which also forms access to nearby residential developments. The site is in relatively close proximity to recently completed housing development to the east and an area of scrub between the site and the housing on Storey Close to the north. To the south of the site are open fields which lead down to the river Rye. Services in the centre of the town are approximately 1200m away via Ricall Drive and the A170.
- 4.3. The application includes the formation of a permissive footpath across the land to the north to connect with Station Road, shortening the walk to the town centre to 750m.
- 4.4. The site is allocated in the Helmsley Plan for employment uses.

5.0 Description of Proposal

- 5.1. This application seeks Full Planning Permission for the construction of a new Headquarters building and stores for the North York Moors National Park Authority.
- 5.2. The main building provides 1335sqm gross internal floorspace. Proposed materials include timber cladding to the upper floor walls, stone walling elements to match houses in the

vicinity, dark grey metal roof cladding, grey finish aluminium windows and doors, with aluminium fascias, gutters and downpipes.

- 5.3. The proposals include 48 car parking spaces including 2 disability spaces. Parking for 16 cycles will also be provided along with 12 electric vehicle charging points which will be accessible to visitors to the site.
- 5.4. A narrow landscape buffer is proposed immediately to the east of the proposed visitor parking, between the carpark and Riccal Drive. This is a requirement of the allocation policy. The applicant also controls land to the north of the application site, on the north side of the access road. It is intended that this area be improved to include wildflower planting and inclusion of a permissive path.
- 5.5. Access is from the A170 via Riccal Drive and the existing access road to the north of the site. There is a lit footpath along Riccal Drive but not along the length of the access to the north of the site. The proposed development includes a new footpath along the front of the development connecting into the existing footpath. A permissive footpath route is proposed across the land in the control of the applicant, to the north of the site, joining with an existing route to the west, joining with Station Road, which leads into the centre of Helmsley, approximately 750m away.
- 5.6. The applicant has clarified that the whilst the land shown as existing printworks building on the site plan (see appendix A) is within the applicant's ownership and is described in the design and access statement as additional parking, this is not the case. The application proposals do not include any changes to the former print work building and any future changes or development would require an application for planning permission.

6.0 Planning Policy and Guidance

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:
 - Helmsley Plan, adopted July 2015
 - Allocation EMP2 and relevant Development Brief
 - Ryedale Local Plan, September 2013
 - Ryedale Local Plan, Sites Document. June 2019
 - Helmsley Conservation Area Appraisal

Emerging Development Plan – Material Consideration

- 6.3. The Emerging Development Plan for this site is listed below. It is considered to carry no weight due to the limited advancement of the plan.
- 6.4. – North Yorkshire Local Plan

Guidance - Material Considerations

- 6.5. Relevant guidance for this application is:
 - National Planning Policy Framework
 - National Planning Practice Guidance
 - National Design Guide 2021
 - Helmsley Conservation Area Appraisal

7.0 Consultation Responses

- 7.1. The following consultation responses have been received and have been summarised below.
- 7.2. **Parish Council:** Support the proposed development.
- 7.3. **Ecology** - About 30% of the site appears to be previously developed with the remainder being grassland or ruderal vegetation and trees. In these circumstances, we'd usually expect to see a Preliminary Ecological Appraisal (PEA) or similar, including any recommendations for ecological mitigation/compensation/enhancement. If the site is considered to be of low ecological value, a shorter 'walkover' report would be acceptable instead of a full PEA. The BNG statement explains that a net loss is expected and there is limited scope for on-site measures to make good the deficit. It is intended to make good the deficit by enhancing habitat in the National Park Authority's ownership elsewhere. It would be useful to confirm that the applicant intends to register the off-site land with Natural England for BNG purposes.

Further comments following submission of additional information.

No objections.

- 7.4. **Lead Local Flood Authority** - The submitted documents are limited and the LLFA recommends that the applicant provides further information regarding Peak Flow Control and Run Off destinations before any planning permission is granted by the LPA.

The applicant has provided additional supporting information. The LLFA has no concerns over drainage as such, but raise concerns that following full infiltration analysis, the design may have to change and this may result in a need to amend the layout. A pre-commencement condition would be necessary requiring the full submission of drainage details and infiltration testing.

- 7.5. **Archaeology** – The application site is to the south-east of the historic core of the medieval town of Helmsley. It is likely that it lay in the open fields surrounding the settlement and will have been in agricultural use for at least 1000 years. Recent archaeological work to the north and east in advance of housing development was negative. The site is therefore likely to have a low archaeological potential. No objection.

- 7.6. **Highways** - In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters:
The applicant has provided additional information following the LHA's previous consultation response. This information has been reviewed and the Authority is satisfied it address's previous queries regarding car parking and other items highlighted in the general comments.

The availability of budget for the implementation of the travel plan has been clarified as well as the infrastructure to support it. The permissive footpath will be hard surfaced and link will join up with the PROW adjacent.

Consequently, the Local Highway Authority has no objections and recommends that the following matters are addressed through inclusion in a Section 106 Agreement or by the imposition of conditions any planning permission the Planning Authority is minded to grant. Matters to be included in a Section 106 Agreement to which the Local Highway Authority would wish to be a party:

£5,000 Contribution towards monitoring of the Travel Plan.

Recommend standard conditions set out in Section 12 of this report.

Local Representations

- 7.7. 39 local representations have been received of which 1 in support and 38 are objecting. A summary of the comments is provided below. However, please see website for full comments.
- 7.8. Support:
- Helmsley needs a wider range of jobs to keep young people in the area. This project will bring in money and help create jobs.
- 7.9. Objections:
- Their headquarters should be in the National Park and not in a housing estate
 - This site should be used for housing and not employment uses
 - Traffic increase is unacceptable
 - Development will attract industrial vehicles on what is a residential street
 - Design is more appropriate to a Teesside business park
 - Small children play on the road and this would make it unsafe
 - The National Park bought this site without first consulting local residents
 - The impact on this quiet residential area would be catastrophic
 - A new, separate access from the Harome road is needed
 - Noise and pollution from traffic
 - There is no provision for a pond to encourage amphibians
 - The building should be stone and pantile
 - When this application is considered in conjunction with application 23/0001/MOUT it is clear that the intention is to develop a new industrial area served by Riccal Drive
 - It would be better to provide a dedicated access road from the A170
 - Insufficient services in the area to support this development
 - The development is not being put forward in a co-ordinated manner as required by Local Plan Policy
 - The National Park would be able to stay in their existing premises had they invested in maintenance
 - This development does not increase employment in the town as it only allows for existing employment to be moved
 - Diesel should not be stored close to homes
 - Consultation on the application pre-submission was poor
 - This is a greenfield site and should not be developed
 - Potential flooding issues. The field to the south has flooded
 - Loss of ecology
 - The premise of the use of Riccal Drive in the Local Plan is no longer relevant owing to the layout of housing now created off Riccal Drive
 - Harmful impact in terms of dark skies
 - Application is deficient in terms of assessment of impact on trees
 - The assumptions around staff using the town centre are not plausible
 - The proposals only change the location of the employer and do not provide for additional employment in the town
 - There is no real evidence for the need to build on greenfield-land
 - Consultation with the public has been poor with the land being bought by the National Park in secret
 - The National Park should be providing affordable housing on their HQ site
 - The Travel Plan will not be effective in this rural location
 - Development should be located in a larger town like Thirsk or Northallerton
 - Building appears brutal and resembles a DIY superstore

8.0 Environment Impact Assessment (EIA)

- 8.1. The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

9.0 Main Issues

- 9.1. The key considerations in the assessment of this application are:

- Principle of development
- Impact on residential amenity
- Flood Risk and Drainage
- Landscape character, design and the amenity of the area
- Heritage matters
- Highway safety and parking
- Ecology and Bio-diversity Net Gain
- Energy
- Archaeology
- S106 Agreement
- Other Matters

10.0 ASSESSMENT

Principle of Development

- 10.1. The Helmsley Plan sets out the main policy position along with the Ryedale Local Plan Strategy. The Helmsley Plan Vision states:

“In 2027 Helmsley will continue to provide essential services and facilities for its local community which will be successfully balanced with its role as a regionally important visitor destination. The distinctive historic character of the town and its landscape setting within the National Park will have been safeguarded and enhanced. Its role and reputation as a niche location for high quality shopping, hospitality and food based activity will be firmly established.

The main objectives of the plan are:

To provide sufficient land to provide a mix of housing which meets the existing and future needs of the existing population, providing opportunities for managed growth of the town over the plan period, whilst safeguarding and enhancing the landscape of the National Park.

To support the existing economy by ensuring there is further land available for the expansion of local businesses and to provide a range of employment opportunities for local people.

To conserve and enhance the special qualities of the town so that it remains a popular destination for visitors and maintains the role of Helmsley as a market town serving a wide hinterland of rural communities including those within the National Park.

Retain the historic character of the town including the setting of the Duncombe Park Estate, Helmsley Castle and the North York Moors National Park.”

- 10.2. The Local Plan Strategy (adopted 2013) predates the Helmsley Plan and provides the strategic policies for the Helmsley area.

- 10.3. Policy SP1 of the Ryedale Local Plan sets out the Council's direction in terms of the distribution of development and seeks to focus growth on the Principle town of Malton and Norton, with secondary focus for growth on Local Service Centres (Market Towns) including Helmsley.
- 10.4. Policy H4 of the Helmsley Local Plan states that; proposals for new employment facilities will be supported on the sites below which are identified for this use on the Helmsley Plan Proposals Map.

Site EMP1, Land to the West of Riccal Drive – Up to 1.3ha Site EMP2,

Land to the South of Riccal Drive – Up to 0.6ha Detailed planning permission will be granted where the proposal accords with the principles set out in the development briefs attached as Appendix 1 to this plan.

Sites EMP1 and EMP2 and existing employment land and premises at Sawmill Lane will be protected as employment use and their change of use to non-employment uses resisted.

The change of use of other land and building in current employment uses will also be resisted where they contribute to the sustainability of the local economy of Helmsley unless it can be satisfactorily demonstrated that those sites are no longer economically viable.

- 10.5. The applicant's supporting statement sets out the need for the proposed development and concludes that the requirements for office space have changed significantly in recent years, with their current site at the Old Vicarage on Bondgate now being too large for their purposes. The statement also concludes that the National Park sites on Bondgate and the Ranger Depot on Sawmill lane are both in need of substantial investment to make them fit for modern working and to reduce their carbon emissions.
- 10.6. It is concluded that the site is allocated for employment purposes in the Helmsley Plan and the proposed development is in accordance with the principles of the allocation.

Residential Amenity

- 10.7. The Helmsley Plan policy SP16 seeks to ensure that all development proposals will create high quality durable places that amongst other things, protect amenity and promote well-being.
- 10.8. Policy SP20 of the Local Plan Strategy states that; "New Development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence.
- 10.9. Paragraph 135 of The National Planning Policy Framework states at criterion (f) that decisions should ensure that developments: create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users ; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 10.10. The proposed development, whilst of a significant scale is separated from the residential development to the north, by the road and an area of scrub, the separation between the north of the site and the southern boundary of the residential gardens being approximately 25m. It is considered that the proposed development results in no harmful, direct impact on the residential occupiers of Storey Close, in terms of privacy, overshadowing or in terms of being overbearing.

- 10.11. The proposed offices would face onto the existing residential properties to the east of the site which front onto Riccal Drive and face west into the site. These properties are approximately 35m away from the east façade of the proposed building. Owing to this significant distance, the proposed development is again considered to result in no harmful impact in terms of privacy and overshadowing. Landscaping is proposed, in-line with the Local Plan allocation, along the east edge of the site. In order to protect the amenity of residential properties opposite the site, during the construction phase, it is recommended that a screen fence be constructed along the east boundary of the site, adjacent Riccal Drive, a condition is recommended to this end.
- 10.12. Some concern has been raised about the potential impact of external equipment (air handling units) and lighting. A lighting scheme has been submitted with the application and a condition is recommended to ensure compliance with this scheme. In terms of noise, whilst it is considered that the distance to neighbouring properties will result in no material impact on residential amenity, it is recommended that any equipment is installed only in accordance with a scheme, which has first been submitted to the planning authority for approval. Again, a condition to this end is recommended.
- 10.13. It is clear that the proposed development will result in change in the locality in terms of vehicle movement and associated fumes, general noise associated with the use of the proposed development along with the change resulting in the development of a building on an otherwise open site. These changes will result in an impact on the amenity of local residents. However, it is considered that the degree of change and the nature of the proposed development will not result in a material adverse impact or significant loss of amenity for local residents.
- 10.14. It is considered that the proposed development is in compliance with the relevant requirements of the Helmsley Plan, the Ryedale Local Plan and the NPPF in terms of residential amenity.

Flood Risk and Drainage

- 10.15. Policy SP17 of the Ryedale Local Plan states that ; Flood risk will be managed by:

Requiring the use of sustainable drainage systems and techniques, where technically feasible, to promote groundwater recharge and reduce flood risk. Development proposals will be expected to attenuate surface water run off to the rates recommended in the Strategic Flood Risk Assessment. In addition, major development proposals within areas highlighted as having critical drainage problems in the North East Yorkshire Strategic Flood Risk Assessment (or future updates) as Critical Drainage Areas may, if appropriate, be required to demonstrate that the development will not exacerbate existing problems by modelling impact on the wider drainage system

Ensuring new development does not prevent access to water courses for the maintenance of flood defences

Undertaking a risk based sequential approach to the allocation of land for new development and in the consideration of development proposals in order to guide new development to areas with the lowest probability of flooding, whilst taking account of the need to regenerate vacant and previously developed sites within the towns. In considering development proposals or the allocation of land, full account will be taken of the flood risk vulnerability of proposed uses and the national 'Exception Test' will be applied if required.

- 10.16. Paragraph 165 of the National Planning Policy Framework states that; inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Para 173 states that; when determining any planning applications, local

planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment; c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan. Para 175 states that; major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should: a) take account of advice from the lead local flood authority; b) have appropriate proposed minimum operational standards; c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and d) where possible, provide multifunctional benefits.

- 10.17. The site is located in Flood Zone 1, the area at the lowest risk of flooding. The site is also less than 1 HA and as such does not attract a mandatory requirement for a full flood risk assessment. However, the applicant has submitted a Flood Risk Statement along with documentation setting out the drainage strategy for the site.
- 10.18. It is noted that flood Zones 2 and 3 are located approximately 200m to the south of the site, conterminous with the route of the River Rye. Consequently, there is no requirement for the location to be tested sequentially in terms of flood risk.
- 10.19. Maps provided by the EA show the site is not at risk of reservoir flooding, but there is a small area of low-risk surface water flooding on the un-named road to the north of the site. The topographical survey of the site doesn't show a low spot in this location, and the levels in the area of surface water flood risk are set well below the proposed finished floor level of the proposed building, and hence the development is not at risk from surface water flooding.
- 10.20. The submitted drainage strategy seeks to moderate off site flows through storm storage attenuation with limited rate discharge. The proposals include a rainwater harvesting system for the office building. All surfaces drained to RWH systems, designed to the appropriate British Standard, provide interception, as defined in the SuDS Manual.
- 10.21. Based on local investigations, infiltration is deemed as viable and hence will be the preferred method for disposal of surface water. The test at the closest location to the proposed soakaway had an associated infiltration rate of 1.29x10^{-0.5}m/s, which will be the design infiltration rate.
- 10.22. While the system is designed to attenuate flows within the drainage system and manage extreme events up to 1:100 year event (+ 40% for climate change), it is envisaged that in a more extreme storm scenario water may exceed the capacity of this system and water will leave the drainage system causing flooding. In the event of an event beyond the design capacity, water would be directed to the unnamed road and public open space to the north of the road.
- 10.23. The Lead Local Flood Authority has raised concerns that full infiltration (three tests at each site) has not been undertaken and as such there is a risk that a change to the drainage strategy would be necessary following full testing. Given the nature of the tests to date, this risk is considered to be low and a pre-commencement condition is recommended requiring full details of the drainage including fully compliant infiltration testing.
- 10.24. The proposed foul water system will be connected into the private foul water sewer to the north of the site.

- 10.25. In conclusion, the site is located in flood zone 1 where the risk of flooding is low. The submitted drainage strategy is considered to be acceptable and overall matters concerning flood risk and drainage are considered to be in compliance with relevant Local Plan policy and the National Planning Policy Framework, subject to a pre-commencement condition for full details of the drainage and infiltration testing to be submitted to and approved by the planning authority.

Landscape character, Design and the amenity of the area

- 10.26. Policy H9 of the Helmsley Plan states that all new development should respect the existing settlement character, patterns and layouts and the principles of building design to ensure that the historic character and local distinctiveness of the built environment is maintained and the landscape of the National Park is conserved and enhanced. Opportunities within the Conservation Area which enhance its significance will be supported.
- 10.27. Policy EMP2 sets out the design principles and infrastructure requirements for the site and sets out that development should be coordinated with adjacent Sites 174, 183 and EMP1 to ensure an integrated form of development is achieved, including vehicular and pedestrian accesses. The policy goes on to state that density and layout of development should take its cue from nearby properties such as Station Road. Previous work undertaken for the Helmsley Town Team by Bauman Lyons Architects, provides useful analysis and consideration of design principles in developing this site. Detailed master-planning/design should consider future road links to Sawmill Lane Industrial Estate. In order to reduce the impact on residential properties a buffer zone should be created between this site EMP2 and 174, which is allocated for residential use. This could take the form of live work units, office use or landscaping and should be agreed by the Council's Environmental Health department. All proposals for the site will need to meet Environment Agency standards in relation to air quality. The implications for crime should be considered with the design of green infrastructure provision. All existing boundary trees and hedging should be retained. Ecological assessments will be required and mitigation measures adopted where required. Developers are required to consider the use of Sustainable Drainage Systems in order to mitigate the effects of floods to people, property and species in the River Derwent catchment. Where the use of Sustainable Drainage Systems is not possible an assessment under the Habitat Regulations will be required of any alternative drainage scheme. A traffic assessment and Travel Plan will be required with any detailed planning application.
- 10.28. Policy SP13 of the Local Plan Strategy states that; development proposals should contribute to the protection and enhancement of distinctive elements of landscape character that are the result of historical and cultural influences, natural features and aesthetic qualities including:
- The distribution and form of settlements and buildings in their landscape setting
 - The character of individual settlements, including building styles and materials
 - The pattern and presence of distinctive landscape features and natural elements (including field boundaries, woodland, habitat types, landforms, topography and watercourses)
 - Visually sensitive skylines, hill and valley sides
 - The ambience of the area, including nocturnal character, level and type of activity and tranquillity, sense of enclosure/exposure

10.29. Policy SP13 also states that; outside of those landscapes protected by national landscapes designations, the Council will carefully consider the impact of development proposals on the following broad areas of landscape which are valued locally:

- The Wolds Area of High Landscape Value
- The Fringe of the Moors Area of High Landscape Value
- The Vale of Pickering The Yorkshire Wolds and Fringe of the Moors are valued locally for their natural beauty and scenic qualities.

As well as protecting the distinctive elements of landscape character in each of these areas, there are particular visual sensitivities given their topography and resulting long distance skyline views within Ryedale and further afield. The Vale of Pickering, the Wolds and the Fringe of the Moors are of significant historic landscape value and loss or degradation of the elements that are integral to their historic landscape character make these landscapes particularly sensitive to change.

10.30. Policy SP16 states that; development proposals will be expected to create high quality durable places that are accessible, well integrated with their surroundings and which:

- Reinforce local distinctiveness
- Provide a well-connected public realm which is accessible and usable by all, safe and easily navigated
- Protect amenity and promote well-being

The design of new development will also be expected to:

- Incorporate appropriate hard and soft landscaping features to enhance the setting of the development and/or space
- Contribute to a safe and well connected public realm by respecting and incorporating routes, buildings and views which create local identity and assist orientation and wayfinding; creating public spaces which are safe and easy to use and move through by all members of the community; facilitating access by sustainable modes of travel including public transport, cycling and walking
- Reduce crime and the fear of crime through the careful design of buildings and spaces
- Provide, where appropriate, active and interesting public frontages, clearly defined public spaces and secure private spaces
- Make efficient use of land and to be built at a density which is appropriate to its surrounding context. In general new housing development should not be built below an indicative density of 30 dwellings to the hectare unless this can be justified in terms of the surrounding context
- Proposals for major development will be expected to include a statement identifying the waste implications of the development and measures taken to minimise and manage waste generated

10.31. To the south and east the open countryside is designated as an Area of High Landscape Value and as such the requirements of policy SP13 apply along with the general requirements of Policy SP16.

10.32. The site forms part of allocation EMP1, which includes the land to the immediate north of the site. The policy for the allocation sets out some basic design principles in order that any development is assimilated into the area. The policy also seeks a co-ordinated approach

between sites, at least in part to ensure that suitable road and pedestrian accesses to, from and across the area are achieved.

- 10.33. Representations have raised concern over a lack of coordination, on this and the earlier application dealing with housing to the north-east of the site. Given the nature of the application site, on the edge of the allocation and taking a direct access from Riccal Drive, it is considered that the lack of coordination of this application with others in the vicinity, raises no specific nor problematic issues which would otherwise affect the determination of the application.
- 10.34. The site is located on the edge of Helmsley adjacent to the existing industrial sheds in the control of Historic England. The area has become somewhat more residential in character in recent years owing to the development of the area to the west of the site. Criticism is levelled at the applicant in representations, that the building is more appropriate to a business park and that it should be completed in stone and pantile, in order to replicate materials in the town.
- 10.35. Officers consider that the simple, modern, architectural idiom proposed is generally appropriate to this location adjacent to an industrial building and with an appropriate degree of separation from the existing housing development in the vicinity.
- 10.36. In terms of the wider landscape impact, the development sits in the valley form and would not be prominent in views across the wider area. Screening to the east of the A170 is relatively strong and whilst the building may be discernible it would not be prominent, especially when considering the wider context of the built form in the vicinity of the application site.
- 10.37. The building proposed is considered to be of a high quality of design incorporating vernacular materials into the development. Additional stone was added into the external cladding, to reflect responses from the consultation process. Whilst the proposals are contemporary in origin and seek to provide for a modern office working environment, it is considered that the design is successful in the immediate context.



Image taken from the applicant's design and access statement, showing the view from the north east of the site, from the access road.

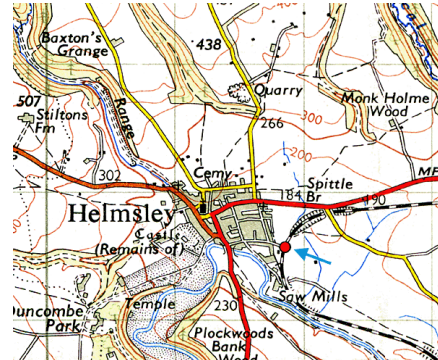
- 10.38. The proposed development will clearly result in a change to the character of the area, through the development of the site and introduction of a building, parking and associated activities in and around the site. However, given the context of the development in the near vicinity and the fact that the site is allocated for employment uses, officers consider that the harm caused is limited and offset by the benefits of the development.
- 10.39. It is considered that the harmful impact of the proposed development in terms of the introduction of development into a semi-rural location, is very much at the lower end of the

scale of harm. The proposed development is otherwise considered to be in compliance with relevant Local Plan and NPPF policy.

Heritage

- 10.40. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving and enhancing the character and appearance of a Conservation Area.
- 10.41. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving the Listed Building(s) or its setting or any features of special architectural or historic interest which it possesses.
- 10.42. Para 205 of the NPPF states: When considering the impact of a proposed development on the significance of a designated heritage asset, **great weight** should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 10.43. Para 206 of the NPPF states: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
- (a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- (b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional [72](#).
- 10.44. Para 208 of the NPPF states: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.45. Para 209 of the NPPF states: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 10.46. Policy H8 of the Ryedale Local Plan states - Important Open Views and Spaces New development should respect the views, vistas and skylines that are influenced by the town's key historic buildings including All Saints Church, the Feversham Arms Memorial, the Town Hall, Duncombe Park and its Parkland, the remaining burgage plots to the west of Church Street/ Castlegate and the long distance views of the town which play an important role in the character of the town and the setting of the North York Moors National Park.
- 10.47. Designated Heritage assets in the general vicinity comprise the Helmsley Conservation Area, the closest point of which to the development is approximately 500m away, and a number of listed buildings throughout the Town. Again, the closest of these is the road bridge on the A170 over the river Rye and a series of cottages on Ryegate which are over 400m away from the application site.
- 10.48. The context of the proposed development is considered to result in no harmful impact either directly or on the setting of any designated heritage asset.

- 10.49. The signal box and former station house to the west of the site are considered to be a non-designated heritage assets. The signal box and station house remain largely complete and speaks to the position and function of the former railway through Helmsley, the route of which ran in a curve from the south-east, to the west of the site and back out toward Kirkbymoorside.



- 10.50. The setting of the signal box is impacted to some degree by the existing industrial buildings to the east as well as other development to the west. It is considered that the proposed development results in no additional impact on the setting of the Signal Box nor the Station House.
- 10.51. In conclusion the proposed development is considered to have no harmful impact on either designated nor non-designated heritage assets and as such the proposed development is in compliance with all relevant Local and National policies in relation to heritage matters.

Highway Safety and Parking

- 10.52. National Planning Policy Framework paragraph 114 states that in assessing sites for development, it should be ensured that: (a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; (b) safe and suitable access to the site can be achieved for all users; (c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code ; and (d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 10.53. Paragraph 115 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Para 116 states that within this context, applications for development should: (a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; (b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; (c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design

standards; (d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and (e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. Para 117 states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

- 10.54. The proposed development is to be accessed from the A170 via Riccal Drive. Concerns have been expressed in representations about the use of the access, in particular by heavier vehicles that may be used by the National Park Ranger Service and the impact that this would have on the safe use of the access and children playing in the vicinity.
- 10.55. The access is considered to be of sufficient width and design to be used by the proposed traffic. Whilst the National Park do use Land Rovers and trailers and the like along with receiving deliveries of gates and other materials by HGV, it is considered that the use of the access will not result in a significant, harmful impact on road safety.
- 10.56. There will clearly be a change to the use of Riccal Drive through additional traffic and it is likely that the nature of the traffic will also change to some degree. However, this is not considered to result in any significant loss of amenity to existing road users or residents in the vicinity of the application site.
- 10.57. The application proposes 19 visitor parking spaces, including 2 disability spaces. The applicant is also proposing to install a number of electric charging points. The applicant has advised that this will number 12 charging points. A condition is recommended to deal with these details.
- 10.58. A total of 31 staff parking spaces are proposed including 8 spaces specifically for Ranger vehicles.
- 10.59. This allows for a total of 50 spaces on site, which is considered sufficient for the operation of the building. It is noteworthy that the Old Vicarage has approximately 12 off-street parking spaces, although the Sawmill Lane site has parking for approximately 20 vehicles. The parking provision provided is considered to be acceptable and unlikely to result in on-street parking in the vicinity of the site.
- 10.60. The Local Highway Authority has considered the increased use of the Junction from Riccal Drive and the A170 and do not require any modifications to the junction to cater for the additional traffic generated by the proposed development.
- 10.61. The application includes a permissive footpath from the site to the corner of an existing footpath on the route of the old railway line. The link from there to Station Road is not a Public Right of Way. However, it is understood that this route has been used as a footpath for in excess of 25 years and as a result it's closure and loss is considered to be a low risk in this instance. However, given that the route is not in the control of the applicant and is not part of the PROW network, this link should only be given limited weight in the planning balance.
- 10.62. In conclusion, it is considered that the development will not result in any significant loss of amenity in terms of road users and will not result in a significant impact on road safety. The

proposed development is considered to be in compliance with relevant Local Plan and National Policy in this respect.

Ecology and Biodiversity Net Gain

- 10.63. Planning Permissions in England are deemed to be granted subject to the general Biodiversity Gain Condition as set out by Schedule 7A, paragraph 13 of the Town and County Planning Act 1990 (TCPA) as amended by Schedule 14, Part 2, paragraphs 13, 14 and 15 of the Environment Act 2021. This is a pre-commencement condition and effectively covers the requirements for bio-diversity net gain.
- 10.64. Policy H11 of the Ryedale Local Plan states that; all development proposals within the Plan area should require a net gain in biodiversity and for green infrastructure networks to be enhanced where possible. This will provide opportunities for activity and relaxation and should include the expansion and enhancement of green infrastructure assets. Where there is existing green infrastructure this should be protected. The development briefs in Appendix 1 of the Helmsley Plan set out the opportunities of the allocated sites in linking with these green infrastructure networks.
- 10.65. A Bio-Diversity Net Gain statement has been submitted with the application. The area of the application site has been assessed as containing 2.08 habitat units, mainly bramble scrub, neutral grassland and urban trees. No irreplaceable habitat was identified.
- 10.66. The applicant states that it will not be possible to secure biodiversity net gain within the site's boundary due to the minimal amount of space that will remain undeveloped. The majority of the required units will be secured through enhancement of an area of grassland on a separate site within the Authority's land holding. A section 106 agreement will be required to secure this provision.
- 10.67. In terms of the ecological value of the site an ecological survey has been undertaken and has not identified any protected species nor important habitats.
- 10.68. It is concluded that the proposed development results in no significant harmful impact on ecology and will provide for the requisite biodiversity net gain in accordance with Local and National Policy.

Energy

- 10.69. Policy H10 of the Ryedale Local Plan states that new residential development should demonstrate that it has been designed to reduce the need for energy consumption and that the buildings utilise energy more efficiently. Proposals that generate renewable energy and/or low carbon sources of energy will be supported where they do not harm the character of Helmsley. All proposals for non-residential development above 1000sq metres must demonstrate that it meets the highest BREEAM standard (or its successor that is feasible and viable on site).
- 10.70. An energy statement has been submitted with the application The proposed development incorporates a number of sustainable measures into the design and delivery of the development. The drainage systems incorporate rainwater harvesting systems into their design and as such limit the reliance on treated water. 310sqm of solar panels are proposed to the roof of the building.

- 10.71. The energy statement sets out the specification and performance of the fabric and the proposed installations for the building, which includes mechanical heat recovery and heat pumps in the installation. Other measures include daylight dimming and occupancy sensors on lighting.
- 10.72. The energy statement concludes that it the submission demonstrates full compliance with the Local Plan and Policies by achieving a 112.19% of primary energy demand to be derived from renewable technology and an overall CO2 reduction of 104.53% when compared against the Target Emission Rate (essentially the emission rate as required by the Building Regulations).
- 10.73. It is considered that the requirements of policy H10 of the Ryedale Local Plan are met.

Archaeology

- 10.74. There are three round barrows 800m ENE of Helmsley Bridge which are very well-preserved and do not appear to have been disturbed by antiquarian excavation which has been the case with a large proportion of the barrows in the area.
- 10.75. The official Historic England entry states. "The monument includes three round barrows and their associated buried remains, located to the east of Helmsley, south of Linkfoot Lane. The round barrows are regularly spaced, each 70m apart from the next, in a north-south line. They occupy the centre of a slightly raised area of ground above and to the east of Spittal Beck, on the north side of the River Rye. None show any evidence of archaeological excavation or damage by modern farming practices.
- 10.76. It is considered that the barrows are sufficiently far from the application site such as to result in no harm to their significance.
- 10.77. The County Archaeologist has been consulted on the application and their consultation response states that; the application is to the south-east of the historic core of the medieval town of Helmsley. It is likely that it lay in the open fields surrounding the settlement and will have been in agricultural use for at least 1000 years. Recent archaeological work to the north and east in advance of housing development was negative. The site is therefore likely to have a low archaeological potential. It is considered that there are no adverse archaeological implications arising from the proposed development.

Other matters

- 10.78. A number of representations have raised questions in terms of a preference for the use of the allocated land for housing rather than employment uses, suggesting that this would better meet the needs of the community. However, the allocation for the site was based on the identified needs of the wider community, supported by a variety of data sources, through the allocation process. The Helmsley Plan remains an important part of the Development Plan. The conclusion is that there is no necessity for the applicant to examine alternative uses for the site and that the proposed employment use is in accordance with Local Plan policy.
- 10.79. Under Section 149 of The Equality Act 2010 Local Planning Authorities must have due regard to the following when making decisions: (i) eliminating discrimination, harassment and victimisation; (ii) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (iii) fostering good

relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age (normally young or older people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

- 10.80. We therefore need to consider whether Section 149 of the Equality Act 2010 is relevant to the application.
- 10.81. Concerns have been raised in this case about children playing in the street being impacted by the development along with potential impacts from pollution from additional traffic using Riccal Drive. Officers have considered these issues and do not consider that additional weight should be placed on the comments raised, in the planning balance. It is considered that these issues are reasonably covered by Local Plan policy and should be considered in the planning balance alongside other material considerations.

S106 Legal Agreement

- 10.82. The following Heads of Terms have been agreed with the applicant for this application.

Table 1		
Category/Type	Contribution	Amount & Trigger
Monitoring	Highways – Travel Plan monitoring	£5000 prior to occupation of the development.
Biodiversity Net Gain	Offsite Biodiversity Net Gain	TBD

- 10.83. In order to assist with the monitoring of the Travel Plan, the Highway Authority is seeking the sum of £5000. It is considered reasonable to require this prior to occupation of the development.
- 10.84. As the proposed bio-diversity net gain is to be delivered off-site, a S106 agreement is necessary to ensure its delivery and monitoring, the details of this are to be agreed.
- 10.85. It is considered that the above S106 Heads of Terms are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and as such complies with the Community Infrastructure Levy (CIL) Regulations 2010.
- 10.86. It is noted from the Ryedale CIL charging schedule that Public Buildings such as that proposed are zero rated for CIL.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. The principle of the development is considered to be supported through the allocation of the land for employment purposes in the Local Plan. The main elements of the proposals are considered to be in line with the requirements of the allocation policy EMP2.
- 11.2. There are a number of competing issues in this case. Third party representation highlights the changes to the character of the area that have occurred as a result of the housing development in the vicinity of the application site. However, this is a matter of timing. The area has been allocated for some time for both housing and employment uses. The fact that the housing has been developed more rapidly than the employment land should not count against a land-owner who has purchased land for employment uses as in this case.
- 11.3. Matters pertaining to bio-diversity, ecology, drainage, flooding, noise and highways are all considered to be acceptable, subject to conditions.

- 11.4. The key benefits of the proposals are considered to be the delivery of a high-quality office and depot facility for the North York Moors National Park Authority, delivering the development of an area of allocated employment land on the edge of Helmsley.
- 11.5. There are a number of concerns raised in third party representations, including noise and disturbance, road safety concerns, along with the change in the character of the area. The report clearly identifies and addresses these issues and whilst it is considered that the proposed development does result in a degree of change and to some extent harm as identified in the preceding paragraphs, the identified harm is not sufficient to warrant the refusal of this application and it is considered that the benefits of the scheme outweigh those harms. On this basis the application is recommended for approval.

12.0 RECOMMENDATION

- 12.1 That planning permission be GRANTED subject to conditions listed below and completion of a S106 agreement with terms as detailed in Table 1.

Recommended conditions:

Condition 1 Time Limit

The development hereby permitted shall be begun within three years of the date of this permission.

Reason:

To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2 Approved Plans

The proposed development shall be implemented in accordance with the following drawings / documents.

Location Plan. Received 27 September 2024.

Proposed site layout plan

8929-BOW-A0-00-DR-A-P1000-P6. Received 27 September 2024.

Proposed Ground Floor Plans

8929-BOW-A1-00-DR-A-P2000-P3. Received 27 September 2024.

Proposed First Floor Plan

8929-BOW-A1-01-DR-A-P2001-P2. Received 27 September 2024.

Proposed Roof Plan 8929-BOW-A1-02-DR-A-P2002. Received 27 September 2024.

Proposed Elevations 8929-BOW-A1-XX-DR-A-P3000-P2. Received 27 September 2024.

Proposed Impermeable Areas

23461-DCE-XX-XX-D-C-103 P01. Received 27 September 2024.

Flood Exceedance Plan 23461-DCE-XX-XX-D-C-129 P01. Received 27 September 2024.

Hard Landscape Specification MR23-151/102. Received 27 September 2024

Soft Landscape Specification MR23-151/101. Received 27 September 2024.

Cycle Shelter Details 8929-BOW-A1-XX-DR-A-P5000. Received 27 September 2024.

Energy Statement P003-PGS-XX-ES-001-RevPO1 Received 27 September 2024.

External Lighting Strategy P003 - PGS-XX-XX-DR-E-9602-PO1 Received 27 September 2024

Travel Plan-Rev7. Received 27 September 2024

Reason:

In order to protect the visual character and amenity of the area.

Condition 3 Visibility Splay

There must be no access or egress by any vehicles between the highway and the application site at Riccal Drive until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In the interests of highway safety

Condition 4 Pedestrian Visibility

There must be no access or egress by any vehicles between the highway and the application site at Riccal Drive until visibility splays providing clear visibility of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway of the major road have been provided. In measuring the splays the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In the interests of highway safety.

Condition 5 Access, Turning and Parking

No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users at Land south of Riccal Drive have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

Condition 6 Travel Plan

Prior to the first occupation of the development, a Travel Plan must be submitted to and approved in writing by the Local Planning Authority. The Travel Plan will include: -

- agreed targets to promote sustainable travel and reduce vehicle trips and emissions within specified timescales and a programme for delivery;
- a programme for the delivery of any proposed physical works;
- effective measures for the on-going monitoring and review of the travel plan;
- a commitment to delivering the Travel Plan objectives for a period of at least five years from first occupation of the development, and;
- effective mechanisms to achieve the objectives of the Travel Plan by both present and future occupiers of the development.

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

Reason:

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

Condition 7 Construction Management Plan

No development for any phase of the development must commence until a Construction Management Plan for has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan.

The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. details of any temporary construction access to the site including measures for removal following completion of construction works;
2. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
3. the parking of contractors' site operatives and visitor's vehicles;
4. areas for storage of plant and materials used in constructing the development clear of the highway;
5. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
6. details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
7. protection of carriageway and footway users at all times during demolition and construction;
8. protection of contractors working adjacent to the highway;
9. details of site working hours;
10. erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
11. means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
12. measures to control and monitor construction noise;
14. an undertaking that there must be no burning of materials on site at any time during construction;
13. removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
14. details of the measures to be taken for the protection of trees;
15. details of external lighting equipment during the construction phase;
16. details of ditches to be piped during the construction phases;
17. a detailed method statement and programme for the building works; and
18. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason:

In the interest of public safety and amenity.

Condition 8 Drainage Design

Prior to commencement of development, full surface water drainage details shall be submitted to and approved by the Local Planning Authority. Details shall include all relevant attenuation, discharge points and infiltration testing. The development shall be implemented in accordance with the approved details.

Reason:

In the interests of effective, sustainable drainage.

Condition 9 External Materials

Prior to construction above ground level, full details of all external materials shall be provided to and approved by the Local Planning Authority. Samples shall include a sample wall panel. The development shall then be completed in accordance with the approved details.

Reason:

In order that the materials are appropriate to the character and appearance of the area.

Condition 10 Landscape Implementation

The Soft Landscape Specification set out in drawing MR23-151/101, received on 27 September 2024 shall be implemented by the end of the first planting season following occupation of the development hereby approved. Any plants which are damaged or die, within 5 years of completion of the planting scheme shall be replaced.

Reason;

In order to protect the character and appearance of the area.

Condition 11 Boundary screening to Riccal Drive

Prior to commencement of development a 2m high screen fence shall be constructed along the east boundary of the site adjacent Riccal Drive. The fence shall be maintained for the duration of the construction phase of the development only and removed on completion of the development.

Reason:

In order to protect the residential amenity of neighbouring residents and to comply with the requirements of the allocations policy. Pre-commencement is required in order to protect amenity as far as possible, through the build phase.

Condition 12 Implementation of improvements to the north

Prior to occupation of the development hereby approved, the permissive footpath and proposed planting to the north of the site shall be implemented in accordance with Soft Landscape Specification MR23-151/101.

Reason:

In order to provide appropriate levels of access.

Condition 13 Footpath to road frontage

The proposed footpath along the north edge of the site as shown on the proposed site plan, linking the site to the existing footpath on Riccal Drive, shall be fully implemented prior to the occupation of the development hereby approved.

Reason:

In the interest of sustainable access to and from the site and road safety.

Condition 14 Energy Efficiency

The Energy efficiency, water recycling and renewable energy installations set out in the Energy Statement 27 September 2024, shall be implemented in full, prior to the occupation of the development hereby approved.

Reason:

In order that the sustainable credentials of the building are satisfied.

Condition 15 External Lighting

Artificial external lighting shall only be installed, operated and maintained in accordance with the submitted scheme dated 27 September 2024. Changes to any element of the lighting scheme shall be submitted to and approved in writing by the local planning authority prior to the changes taking place.

Reason: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

Condition 16 External Equipment

No external equipment or machinery shall be installed other than in accordance with a scheme which has first been submitted to and approved by the Local Planning Authority. Should additional equipment be installed subsequently, full details of the equipment shall be submitted to and approved by the Local Planning Authority, prior to the installation of the equipment or machinery.

Reason:

In order to protect the residential amenity of the area.

Condition 17 EV Charging

Prior to occupation of the development hereby approved a scheme for the provision of Electric Vehicle charging points shall be submitted to and approved by the Local Planning Authority. The agreed details shall be implemented prior to the occupation of the development hereby approved.

Reason:

In order to provide for appropriate levels of vehicle charging points on site.

Condition 18 Site Levels

Prior to any works being undertaken other than initial site clearance and setting out, full site levels shall be submitted to and agreed by the Local Planning Authority. Levels shall include existing and proposed ground levels, finished floor, eaves and ridge levels of all buildings. The development shall then be implemented in accordance with the approved levels.

Reason:

To ensure that the relative heights of the proposed buildings are appropriate to the character, appearance and amenity of the area.

Biodiversity Net Gain

Standard Biodiversity Net Gain Statutory Condition.

INFORMATIVES

Applicants are reminded that in addition to securing planning permission other permissions may be required from North Yorkshire Council as Local Highway Authority. These additional permissions can include, but are not limited to: Agreements under Sections 278, 38, and 184 of the Highways Act 1980; Section 38 of the Commons Act 2006, permissions through New Roads and Streetworks Act 1991 and Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended and including all instruments, orders, plans, regulations and directions).

Further information on these matters can be obtained from the Local Highway Authority. Other permissions may also be required from third parties. It is the applicant's responsibility to ensure all necessary permissions are in place.

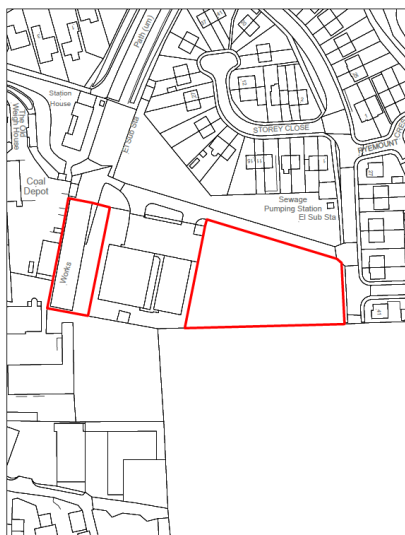
Target Determination Date: 00.00.0000

Case Officer: Peter Jones, peter.jones@northyorks.gov.uk

Appendix A – Proposed Site Plan



ZE24/04403/MFUL



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