

North Yorkshire Council

Community Development Services

Thirsk And Malton Area Committee

21 August 2025

**ZB25/00098/FUL – Construction of a new industrial building and associated external works
at Compound, Dalton Airfield Industrial Estate, Dalton, North Yorkshire, YO7 3HE
on behalf of Mr K Anderson**

Report of the Head of Development Management - Community Development

1.0 PURPOSE OF THE REPORT

- 1.1 To recommend that planning permission be granted for development which is contrary to the provisions of the Local Plan.

2.0 SUMMARY

- 2.1 **RECOMMENDATION:** That members support the proposal despite the conflict with the Development Plan.
- 2.2 The proposal is for the construction of an industrial building and associated development to the south of Dalton Lane, Dalton.
- 2.3 The proposal is located outside of development limits. In normal circumstances the principle of development would not be accepted due to conflict with Policy EG2 which requires development of this type to be accompanied by a sequential test demonstrating that the use could not be accommodated within an allocated or general employment site. However, it is considered that the particular circumstances of the site (its position adjacent to Dalton Airfield Industrial Estate and its proximity to roads of regional importance, etc.) weigh in its favour. Further, the site is aided by its position within a range of three separate industrial developments, limiting the visual harm it could cause and gaining the support of Paragraphs 88(a) and 89 of the NPPF, which identify the development of rural businesses with limited landscape impacts of being worthy of support. Additional weight can be garnered from (as in this case) schemes which take the opportunity to incorporate and encourage sustainable measures, such as the provision of cycling infrastructure, electric car parking, etc.
- 2.4 It is considered that the scheme, despite the conflict with policy, can be comfortably accommodated without harming the intent of the policy (i.e. to preserve and promote existing/allocated business locations) due to the support for it being wholly dependent on being in a single location. This could not be replicated elsewhere in the former Hambleton District and so would not undermine the principle behind the policy.

3.0 PRELIMINARY MATTERS

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

Planning History

3.2 There is no relevant history for this site.

4.0 SITE AND SURROUNDINGS

4.1 The site is located adjacent to the broader Dalton Airfield Industrial Estate, sitting approx. 100m north-east of the allocation DAL1, which is an employment allocation. DAL1 was allocated in order to provide land for the provision of Research and Development, General Industrial and Storage and Distribution employment within the former Hambleton District.

4.2 The area that is subject to this application fills a vacant area associated with John Smith Vehicles, covering an area of approx. 0.4ha. The site is set approximately 670m to the west of Dalton and would function independently of the existing depot (to the east of the site). To the immediate north of the site is Dalton Lane, with significant industrial development to the north (beyond the highway) and west of the site and land incorporating light industrial/storage uses to the east. Land to the immediate south is in storage use and, beyond this, is agricultural land.

5.0 DESCRIPTION OF PROPOSAL

5.1 Construction of a new industrial building and associated external works. The building will have an overall floorspace of approx. 981m², with an eaves and ridge height of approx. 7m and 8.4m, respectively. The proposal is to include a number of associated works, including car parking, a bin store, cycle shelter and access. The total area of the site is approx. 0.38ha.

5.2 The roof and walls of the structure are to be clad in profiled sheeting, with the colour yet to be determined.

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 Emerging Development Plan for this site is the North Yorkshire Local Plan. No weight can be applied in respect of The North Yorkshire Local Plan at the current time as it is at an early stage of preparation.

Guidance - Material Considerations

6.4 Relevant guidance for this application is:

- National Planning Policy Framework
- National Planning Practice Guidance
- [Hambleton District Council's] Employment Land Review (Sept. 2016).

7.0 CONSULTATION RESPONSES

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

- 7.2 **Topcliffe Parish Council:** No response.
- 7.3 **Dalton Parish Council:** No response.
- 7.4 **Designing Out Crime Officer:** The principle of the scheme is appropriate and raises no significant concerns in relation to Designing Out Crime. Guidance on measures that should be incorporated into the scheme is provided.
- 7.5 **NYC Highways:** No response.
- 7.6 **Environmental Health Contaminated Land:** No objection; conditions provided.
- 7.7 **Yorkshire Water:** No objection.
- 7.8 **NYC Economic Development:** No response.
- 7.9 **Ministry of Defence:** No objection.
- 7.10 **Environment Agency:** No response.
- 7.11 **Natural England:** No response.
- 7.12 **Yorkshire Wildlife Trust:** No response.

Local Representations

- None.

8.0 ENVIRONMENT IMPACT ASSESSMENT (EIA)

- 8.1. Not required. The proposed development does not meet any of the thresholds in the relevant legislation.

9.0 MAIN ISSUES

- 9.1. The key considerations in the assessment of this application are:
- Principle of development
 - Appearance, including the impact on the character and appearance of the area.
 - Landscaping, including the impact on the character and appearance of the wider area.
 - Other matters.

10.0 ASSESSMENT

Principle of Development

- 10.1 The site is located within the open countryside and is sited adjacent to a large and active industrial estate which hosts a number of clear and functioning employment uses. Further, the site is linked to a number of existing industrial uses within the immediate area.
- 10.2 The NPPF at Paragraph 89 encourages the growth of businesses set within rural areas but acknowledges that development should be sensitive to its surroundings, a policy position which is taken into the Local Plan via Policy S5. It is considered that the nature of the operation is commensurate with its setting as within the wider Dalton Airfield complex and the more immediate development to the east and north, there are a number of structures of

comparable or more significant scale, and it is also considered that the compound will be visually understood to form part of the wider industrial area.

- 10.3 As the proposal involves the development of land to be developed in conjunction with an employment generating use outside of an allocated area, it is subject to Policy EG2. Policy EG2 expresses support for development within key employment locations, such as Dalton Old Airfield. However, the Employment Land Review (Sep 2016) which informs EG2 does not identify the site as forming part of the key employment land designation, which is to the immediate south of the site. As a result, it is considered that the proposal does not benefit from the support of EG2.
- 10.4 However, due to the position of the site within the open countryside, it is considered that Policy EG7 would be applicable and that, within this policy, the scheme would be in partial compliance with EG7(c). Whilst the proposal is outside of a rural settlement (and the employment site), it relates well to existing industrial development and the proposed use (B2 – General Industrial) carries with it a requirement to be distant from residential development. However, it cannot be said that there is an absolute requirement for a countryside location – a B2 use could be sited within a key or general employment site. As such, the proposal is not considered to be wholly in compliance with the policy.
- 10.5 Policy EG6 of the Hambleton Local Plan relates to proposals for new commercial buildings and includes a number of criteria, of which all but EG6(a) and (f) apply. It is considered that, due to the well-developed and industrial character of the surrounding area and the limited scale of the development (relative to adjacent structures), the building would not be harmful to the existing character and appearance of the site and would not be an overbearing presence within the immediate area. It is considered that the requirements of Policy EG6 are met.

Appearance and Landscape Impact

- 10.6 The proposed scale and appearance, in addition to the proposed materials, are consistent with the proposed use and with the general character of area, which has been discussed above. In this sense, the proposal is compliant with Policy E1.
- 10.7 Long-range views will be obscured principally by surrounding development, but also by the planting which forms a common boundary feature of nearby plots and developments. Short-range views of the site (e.g. from the highway) are considered not to be adequately screened by the proposed measures, which incorporate a retained hedgerow; despite this, the overall impact will be limited in terms of harm, with the unit easily understood within the broader industrial context of the site.
- 10.8 It is considered that the scheme is generally aligned with the requirements of Policies E1 and E7.

Residential Amenity

- 10.9 Despite the scale of the development, it is considered that the development is sufficiently distant from residential properties so as to not result in unacceptable amenity impacts relating to a general industrial use (i.e. noise, dust, odour, etc). However, in acknowledgement of the relatively wide-ranging impact of industrial processes, conditions can be placed to ensure that the operation of the development (both in terms of proposed

and potential future uses) are tightly controlled to limit the potential for impacts on the properties closest to the application site.

- 10.10 A number of conditions have been suggested by the Council's Contaminated Land team and have been included within the suggested conditions.
- 10.11 It is therefore considered that the proposal will be consistent with Policies S1, E2 and RM5 with regard to residential amenity.

Other Matters

- 10.12 A further matter relating to the proposed layout is that of Highway Safety. NYC Highways have not responded to the consultation. The site will use the existing access from Dalton Lane and the access into the site proper is approx. 57m distant from the public highway, limiting the potential for access concerns. The proposed layout contains 16 employee/customer parking spaces, with areas for heavy goods vehicles to park and a turning circle sufficient for them to turn entirely within the site area.
- 10.13 The site is within close proximity to the Cod Beck Green Corridor and is therefore subject to Policy E4. It is considered that the opportunity for direct linkage to the designated Green Corridor is limited by the presence of Dalton Lane and Eldmire Lane to the north and west, respectively. However, it is considered that there will be no net negative impact on the existing Green Corridor resulting from the scheme and so policy compliance can be demonstrated.
- 10.14 The submitted Biodiversity Net Gain (BNG) report has identified the site as being in "poor" condition, with limited value regarding resident flora and fauna. The BNG report has demonstrated a capacity to achieve the mandatory 10% uplift which is subject to a standard condition.
- 10.15 Drainage requires the diversion of a private sewer, albeit by a limited amount (a length of 52m). This sewer, eventually discharging into the nearby Cod Beck, is to accommodate the outfall for both the foul and surface water sewerage, with the foul first going through a 12-person Klargester tank and the surface going through a 183m³ soakaway tank. It is considered that this is appropriate to the scale of the development and that this can be conditioned.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 The proposal is considered not to be in compliance with Policy EG2 and would not be wholly compliant with Policy EG7. However, it is compliant with Policies S5, EG6, E1, E2, E7, IC2 and RM3. It is considered that, despite the conflict with the above policies, the site is functionally, if not directly physically, related to the wider Dalton Airfield key employment site and allocation. It is further held that the site benefits from an existing industrial context which, though ostensibly at odds with its rural setting, is actually identified as forming part of the landscape character of the surrounding area, further limiting its visual impact.
- 11.2 Despite the lack of strict policy compliance, the creation of employment opportunities and position of the site, inset within a series of light and general industrial uses, suggest that there is moderate weight to be offered to the use on this occasion. The requirement for a sequential test in order to meet the requirements of E2 and E4 is, in this instance, not considered to be proportionate nor necessary due to the particular circumstances of the proposals, the site and its surroundings. Further, the proposal will allow the Council to meet a strategic aim of the Local Plan, supporting rural businesses in sustainable locations. As such, the planning balance is weighted in favour of approval.

11.3 The application is therefore recommended for approval.

12.0 RECOMMENDATION

12.1. That the proposal be approved with appropriate conditions attached.

13.0 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 drawing(s) numbered or labelled DLPP04, DLPP02, DLPP03 and/or details received by North Yorkshire Council on the 17th January 2025 unless otherwise agreed 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 Policy(ies) S1, S3, S5, EG6, EG7, E1 and E7.

3. Prior to above-ground works, details of the materials to be used on the external surfaces (including the colour(s) and finishes) of the development hereby approved shall be submitted to the Local Planning Authority for written approval. Once approved, the development shall be clad in the approved materials only.

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 Policy(ies) S1, S3, S5, EG6, EG7, E1 and E7.

4. The development hereby approved shall be carried out in accordance with the recommendations set out within the submitted drainage and flood risk information reports and details by DART Engineers Ltd received on the 17th January 2025 and thereafter be maintained in accordance with the Maintenance Schedule supplied by DART Engineers Ltd received on the 17th January 2025 for the lifetime of the development.

Reason: To ensure that the site benefits from sufficient and appropriate drainage so as to not result in surface water flooding issues or harm to nearby watercourses in accordance with Local Plan Policies S1, RM1 and RM3.

5. If contamination is found to be present or suspected at any time during the development that was not previously identified all works shall cease and the local planning authority shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken, or the development occupied until an investigation and risk assessment carried out in accordance with the Environment Agency's Land Contamination: Risk Management (LCRM), has been submitted to and approved in writing by the local planning authority. Where remediation is necessary a scheme for the remediation of any contamination shall be submitted and approved by the LPA before any further development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.

Reason: In order to take full account of the risks to the health and safety of the local population, contractors and the environment and address these risks and in accordance with Local Plan Policy RM5.

6. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority. The proposed scheme shall include details of the hours of operation for the proposed lighting and the scheme shall be designed in accordance with Bats and Artificial Lighting at Night; Bat Conservation Trust; Guidance Note 08/23.

Reason: In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and local ecology and in accordance with the Local Plan Policy(ies) S1, S3, S5, EG6, EG7, E1, E4 and E7.

7. No development shall 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 Construction Management Plan. The Plan must include, but not be limited to, arrangements for the following in respect of each phase of the works:

a) details of any temporary construction access to the site including measures for removal following completion of construction works; b) wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway; c) the parking of contractors' site operatives and visitor's vehicles; d) areas for storage of plant and materials used in constructing the development clear of the highway; e) measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas; f) details of the routes to be used by HGV construction traffic g) protection of carriageway and footway users at all times during demolition and construction; h) protection of contractors working adjacent to the highway; i) details of site working hours; j) erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate; k) 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; l) measures to control and monitor construction noise and vibration; m) details of the measures to be taken for the protection of trees; n) details of external lighting equipment; o) details of ditches to be piped during the construction phases; p) a detailed method statement and programme for the building works; and q) 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 IC2 and E2 of the Hambleton Local Plan.

8. No part of the development must be brought into use until the vehicle access, parking (including HGV parking and car parking), manoeuvring and turning areas have been constructed in accordance with Dwg No. DLPP02 received on 17th of January 2025 by North Yorkshire Council. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

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

9. Prior to the use of the development, details of Electric Vehicle Charging Points associated with the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the specification of charging equipment. The Electric Vehicle Charging Points associated with each unit shall be installed prior to the occupation of that unit as approved and

shall be maintained as such thereafter and no change shall take place without the prior written consent of the Local Planning Authority.

Reason: Reason: In the interests of sustainable development and in accordance with Policies S1 and E1 of the Hambleton Local Plan.

10. The development shall not come into use until the cycle parking, storage facilities and infrastructure shown within Dwg No. DLPP02 (received by North Yorkshire Council on the 17th of January 2025) has been completed in accordance with the approved plan. Thereafter the cycle parking, storage facilities and infrastructure shall be made permanently available for use and remain unobstructed for the lifetime of the development, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of public safety and amenity in accordance with Policies S1, IC2, E1 and E2 of the Hambleton Local Plan.

11. Prior to the unit hereby approved coming into use the bin/waste storage area shown within Dwg. No. DLPP02 shall be constructed in strict accordance with those details and with Building Regulations Approved Document H (Section 6) and its successor documents.

Reason: In the interest of accessibility and sustainable development in accordance with Policies S1, E1 and E2 of the Hambleton Local Plan.

12. If the use class of the approved building is changed within the approved uses (B2/E(g)(iii)/B8) during the lifetime of the development, and where extraction equipment is required, then the change of use shall not be enacted until a scheme for the control of noise from ventilation, air extraction, heat pumps and heat exchanger units and other similar devices for that building or unit (where such devices are to be installed) has been submitted to and approved in writing by the Local Planning Authority. The measures in the approved scheme shall be always implemented and devices shall be maintained in accordance with the manufacturer's specification.

Reason: In order to protect the amenities of local residents within the locale, in accordance with Policy E2 of the Hambleton Local Plan.

13. All emissions to atmosphere resulting from any processes, plant, or activity within the approved site shall be treated and discharged at a height, position and in a manner to the satisfaction of the Local Planning Authority. Details of these emission(s), odour impact assessments and the method(s) of odour abatement, treatment of the discharge shall be submitted and agreed in writing with the Local Planning Authority prior to the commencement of emissions and the development shall only operate in compliance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: In order to protect the amenities of local residents within the locale, in accordance with Policy E2 of the Hambleton Local Plan.

14. If the use class of the approved building is changed within the approved uses (B2/E(g)(iii)/B8) during the lifetime of the development, then all emissions to atmosphere resulting from any processes, plant, or activity shall be treated and discharged at a height, position and in a manner to the satisfaction of the Local Planning Authority. Details of these emission(s), odour impact assessments and the method(s) of odour abatement, treatment of the discharge shall be submitted to and approved in writing by the Local Planning Authority. The measures in the approved scheme shall be always implemented and devices shall be maintained in accordance with the manufacturer's specification.

Reason: In order to protect the amenities of local residents within the locale, in accordance with Policy E2 of the Hambleton Local Plan.

15. Prior to the occupation of the building hereby approved or any subsequent change of use within the approved uses (B2/E(g)(iii)/B8) during the lifetime of the development, a Management Operating Plan relating to that part(s) of the development shall be submitted to and approved in writing by the Local Planning Authority. This shall include:

(a) An assessment of the potential for sources of noise and disturbance likely to affect residential amenity in the area, and shall identify the following:

- i. noise levels from plant, machinery or equipment working in isolation and together
- ii. hours of operation for the unit, including delivery arrangements, and anticipated shift patterns
- iii. a waste management plan setting out how waste associated with the unit(s) will be stored and removed
- iv. any outside maintenance and cleaning activities
- and v. overnight parking requirements including refrigerated vehicle parking.

(b) If the details submitted under Part (a) indicate that the nature of the business operation is likely to affect neighbouring residential amenity then a detailed noise assessment shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the unit(s).

The detailed noise assessment shall include:

- i) an assessment of noise impacts in accordance with British Standard 4142 (BS4142);
- ii) a scheme specifying the provisions to be made for the control of noise, including any acoustic screening to plot boundary if required; and
- iii) it shall demonstrate that the rating level of the noise, corrected for acoustic features, measured at, or calculated to a position representing the nearest residential property does not exceed any respective background sound levels (L90) as set out and prior approved by the Local Planning Authority.

Reason: In order to protect the amenities of local residents within the locale, in accordance with Policy E2 of the Hambleton Local Plan.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 and the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking and re-enacting those Orders with or without modification), development comprising industrial uses (Class B2/E(g)(iii)) and/or storage or distribution uses (Class B8), including ancillary office space, with associated infrastructure and landscaping hereby approved shall not be used for any other purpose than those specified within the application description without the formal consent of the Local Planning Authority.

Reason: To reserve the right of control of the Local Planning Authority and to protect amenity and the position of the site as an allocated site for employment-generating uses as alternative uses may not be acceptable in this location, in accordance with the relevant policies of the Hambleton Local Plan.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 and the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking and re-enacting those Orders with or without modification), no lighting shall be installed within the red line area shown within DLPP04, DLPP02, DLPP03 without the formal consent of the Local Planning Authority.

Reason: In order to protect the nearby ecology and amenities of local residents within the locale, in accordance with Policies E2 and E3 of the Hambleton Local Plan.

14.0 INFORMATIVES

1. As part of a Construction Management Plan the applicant must ensure sure that H&S protection is afforded to construction workers, with appropriate PPE.

2. Damping down of the site during dry and windy conditions will be necessary to avoid H&S risks for workers. It is also suggested that an Asbestos surveyor be present during initial strip to assess further contamination in line with Control of Asbestos Regs (2012), should any unacceptable made ground materials be found present.

3. Any pollutant linkages must be severed at shallow soil contamination areas as recommended by Solmek, and be covered by buildings or hardstanding, where identified. Please see section 7 of the Phase 2 report for advice and importing of a clean soil cover system, as necessary. This should be recorded as part of the Construction Plan records to demonstrate this has been adequately dealt with.

If the applicant will import soil to the site, they are advised to ensure that any imported soil is suitable for its intended use in respect to contamination.

4. Advice can be sought from the following: Guidance on the Verification Requirements for Cover Systems YALPAG, Version 4.1 – June 2021, which can be found through the link to our webpage provided below.

Target Determination Date: 06.05.25

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