

**RYEDALE DISTRICT COUNCIL  
PLANNING COMMITTEE**

**SCHEDULE OF ITEMS TO BE DETERMINED BY THE COMMITTEE**

**PLANS WILL BE AVAILABLE FOR INSPECTION 30 MINUTES BEFORE THE MEETING**

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**Item Number:** 6  
**Application No:** 18/00580/MFUL  
**Parish:** Wombledon Parish Council  
**Appn. Type:** Full Application Major  
**Applicant:** GraceMax Ltd  
**Proposal:** Change of use of part of airfield land to allow the siting of 65no. timber clad static holiday units with decking, 1no. static site managers accommodation unit and an office/reception static unit together with formation of a site vehicular access, associated permeable gravel internal site road with car parking spaces for the individual units, site landscaping adjacent to the retrospective peripheral bund, with proposed low level site entrance lighting ,installation of a package treatment plant and siting of electricity substation  
**Location:** Field Off Hungerhill Lane Wombledon Kirkbymoorside

**Registration Date:** 16 July 2018  
**8/13 Wk Expiry Date:** 15 October 2018  
**Overall Expiry Date:** 7 November 2018  
**Case Officer:** Rachael Balmer **Ext:** 357

**CONSULTATIONS:**

<b>Initial</b>	
<b>Parish Council</b>	Objection
<b>Highways North Yorkshire</b>	Objection
<b>Flood Risk</b>	Recommend conditions
<b>Environmental Health Officer</b>	Recommends Conditions
<b>Countryside Officer</b>	
<b>Yorkshire Water Land Use Planning</b>	No comments
<b>Sustainable Places Team (Environment-Agency Yorkshire Area)</b>	Recommend conditions
<b>Civil Aviation Authority</b>	
<b>Vale Of Pickering Internal Drainage Boards</b>	Comments

**Re-Consultation**

<b>Civil Aviation Authority</b>	
<b>Countryside Officer</b>	
<b>Environmental Health Officer</b>	
<b>Sustainable Places Team (Environment-Agency Yorkshire Area)</b>	
<b>Flood Risk</b>	No further comments to add
<b>Parish Council</b>	Previous objections still stand
<b>Vale Of Pickering Internal Drainage Boards</b>	No further comments
<b>Yorkshire Water Land Use Planning</b>	No further comments
<b>Highways North Yorkshire</b>	Recommend conditions

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**PLANNING COMMITTEE**

**20 November 2018**

**Neighbour responses:**

Mr C Sewell, Mr And Mrs William Foster, B Willoughby, Mr And Mrs R.S. Ham, Mr John Storey, M. W. Clark And D. A. Clark, Mr Gillian Wigley, Mr Ian Simpson, Mr Gary Grice, Mr Christopher Wigley, Mrs Eileen Howell, Mr Eden Blyth, Mrs Rowena Robinson, Mrs Berenice Bellamy, Stewart Slater, Mr David Bingham, Mrs Claire Chew, Mr John Thorndycraft, Ms S Taylor, Mr Nigel Johnson, Mrs James, Mrs And Mrs N Mercer, Mr P Tipping, Mr B Smith, Mr Peter Howell, Mrs H Spencer, Mr R & Mrs J Gamble, Mr A Willoughby, Mr Matthew Simpson, Mr John Walker, Mr Jack Woodhead, Mr & Mrs R S Ham, Mr Harry Bellamy, Dr Nigel Walters, Mr Paul Ashley, Miss Ann Mansfield,

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**1.0 SITE:**

1.1 The site is circa 8.5 ha in size, and sited approximately 700m south (as measured along the main road) from the edge of the village of Wombleton. It is situated within open countryside adjacent to Hungerhill Lane, which is a national speed limit road which runs across the Vale of Pickering to Nunnington. The site is part of the extent of Wombleton Air Field which was used in World War II. The site contains areas of hardstanding, plantation trees and grass. The applicant also owns half a runway (runway 17/35) which is to the immediate west of the site (outside of the red outline but denoted in blue). The part of the runway which is not owned by the applicant is still in use. The site broadly forms a very rough 'T' shape, wrapping around a potato storage facility to the east, and to the north of runway 17/35. The site's layout is derived from the legacy and layout of the airfield, although the land which is subject to this application is not brownfield/previously developed land in terms of the NPPF definition as there are no permanent structures on the land.

**2.0 PROPOSAL:**

2.1 The proposal seeks full permission for the change of use of part of the airfield land to develop 65 timber-clad static holiday units (lodges) with decking. This would also include a manager's residence and office/reception static unit. Vehicular access would be from an access to the south of the site onto Hungerhill Lane. In the revised scheme, a footpath would also lead onto Hungerhill Lane from a pre-existing access at the north of the site. An internal gravel road with grouped car parking spaces is proposed with further landscaping adjacent to a previously constructed soil bund with trees planted into the bund. Further elements include the provision of low-level lighting at the site entrance, and the installation of a sewage treatment plant. There is also an electricity sub-station. The application was originally submitted with a proposal for a public footpath to Moorfields Lane, but this element has now been deleted.

2.2 The lodges are proposed on the plans as being 13.71m in length, 6.09 metres in depth/width and would be 3.62 metres in height at the roof ridge. Each lodge would be served by a raised area of decking. The car parking is not adjacent to the units, but is proposed as communal parking areas. As no boundaries between the units are identified, the areas of grass and planting would involve comprehensive site management.

2.3 The application was validated on the 16 July 2018 and was the subject of a pre-application enquiry, which identified some key sensitivities. A range of documentation has been submitted for the purpose of considering the application. There is a Design and Access

Statement. There is also a proposed site layout plan, with landscaping. Technical information includes a landscape and visual impact assessment, flood risk assessment and drainage strategy; a transport assessment, with a subsequently submitted revised transport statement with indicative travel plan. A report on the need and economic benefits of the proposal has been provided. No ecological report, nor contamination report have been provided. These documents referred to above (and their absence) are discussed in the relevant appraisal section of the report.

2.4 Revisions to the scheme initially included, the addition of an electricity substation (and describing the bunds as retrospective) and then subsequently deletion of southern public footpath to the south of the site and addition of a travel plan and transport assessment. It is for these elements, and the subsequent two re-consultations why the application has not been brought before Members at an earlier date.

2.5 The application's description refers to the retrospective creation of a soil bund with trees planted into the soil. This bund is operational development and therefore requires planning permission in the first instance. Therefore if Members are not minded to approve this application, the Local Planning Authority will need to consider the next steps concerning the building of the bund. Matters concerning hedgerow removal in this instance are not enforceable as the Authority is unable to establish when the hedging was removed.

2.6 There is also on-going civil issues between the owner/user of the other half of runway 17/35 and the applicant. The applicant has constructed the soil perimeter bund (2m wide and 1m high) and planted trees on it as a precursor for the submission of the planning application. The trees – which sit on top of the bund (including to the immediate north of the runway- where planes land), are not development, and as such the Local Planning Authority is unable to intervene regarding their presence. The siting of large water storage containers down the centre of the runway, as demarcation of land has also occurred. As these are movable structures and are not development nor a change of use of the land, these also constitute a civil issue, and the Local Planning Authority is therefore unable to take action on these. This report does, however, consider the mutual implications of the proposed use for holiday lodges in relation to the existing operation of the runway, and this is discussed later in the report.

2.7 In reading the consultation responses Members may be aware of the presence of an application for a second holiday lodge site on a separate part of the Wombleton Air field complex (18/00662/MFUL) for 60 holiday lodge units. That application is yet to be determined. Part of the above-referenced site has planning permission (17/00567/FUL) for nine units which was granted in October 2017. Members will be aware that they are required to consider each proposal on its own, site- specific, merits in accordance with the policies of the adopted Development Plan, and taking account of material considerations. This is because neither scheme has been granted permission; and therefore it would be unreasonable to consider in any substantive detail concerning the implications of both schemes at this stage.

### **3.0 HISTORY:**

3.1 The planning history is complex largely because the application site and the neighbouring land which is part of the potato store complex used to be in the same ownership. The report focuses on the more recent uses for the site, and the extent to

which, in planning terms, the proposed use has implications for the adjoining land uses.

1980 – Dwelling - refused

1993- Use for motor sports – approved

2007 - 07/00611/MFUL- Change of use and alteration of potato store to building for manufacture of wood fuel pellets to include erection of attached two-storey office and staff facilities building, wood chipping and debarking lines and wood chip bunker, silos for wood pellets and sawdust, fuel bunker and bunded diesel fuel tank, formation of vehicular access for HCVs with weighbridge, alterations to existing vehicular access, staff parking, external log storage areas, site perimeter mounding (berm), landscaping and excavation of pond - withdrawn

2008- 08/00303/MFUL Change of use and alteration of potato store to building for manufacture of wood fuel pellets to include erection of single-storey open fronted storage extension, formation of office and staff facilities within existing building, debarker and log processor within sunken covered bunker, external log and processed wood storage areas, alteration to vehicular access, weighbridge, staff and visitor parking, alteration to existing southern boundary mounding (berm) and landscaping

Northern part of this application site and the potato store to be used for the manufacture of wood fuel pellets -Refused and appeal dismissed.

2009 – 08/00986/FUL Alterations to boundary hedgerow to improve visibility splays to existing access and engineering works to extend hardstanding area within the site- Refused

Covers northern part of this application site and the potato store  
Appeal was dismissed 28.08.2009.

2010 - 10/00830/MFUL- Change of use of woodland to allow the siting of 8no. timber clad static holiday chalets and 9no. eco-camping pods, formation of vehicular access, stone access road and parking areas, installation of bollard downlighting and formation of 2no. wildlife ponds and woodland paths and erection of toilet block – not determined and finally disposed of.

The non-determination was due to the non-signing of a s.106 agreement. The agreement sought to secure operation restrictions on the potato store, on the basis that it was necessary to restrict the operation of the store in order to make the scheme acceptable on the basis of noted adverse impacts on the amenity of occupants of the holiday units. This could be achieved at the time due to the two parcels of land being in the same ownership.

There is also extensive planning history concerning the land which is utilised as part of the Potato Store operations. Of particular relevance is the application below.

2018 (April) 18/00146/OBL - Modification of planning obligation dated 24.03.1994 relating to approval 3/154/23C/FA dated 12.04.1994 to allow the removal of restrictions of the agreement on land within the red line of the site location plan submitted that omits the

area of the general purpose building/potato store – Approved

This 1994 application was for the use of the potato store.

#### **4.0 POLICY:**

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 confirms that the determination of any planning application must be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises:

The Ryedale Local Plan Strategy (2013)

The Proposals Map (2002) carried forward by the Local Plan Strategy

The 'saved' policies of the Ryedale Local Plan (2002)

The Yorkshire and Humber Plan (Regional Spatial Strategy)- York Green Belt Policies (YH9 and Y1)

(The 'saved' policies of the Ryedale Local Plan and The Regional Spatial Strategy are not considered to be relevant as part of the determination of this proposal)

The Ryedale Plan - Local Plan Strategy (5 September 2013)

Policy SP1 General Location of Development and Settlement Hierarchy

Policy SP8 Tourism

Policy SP12 Heritage

Policy SP13 Landscapes

Policy SP14 Biodiversity

Policy SP16 Design

Policy SP17 Managing Air Quality, Land and Water Resources

Policy SP19 Presumption in Favour of Sustainable Development

Policy SP20 Generic Development Management Issues

Policy SP21 Occupancy conditions

Material Considerations:

National Planning Policy Framework (NPPF) (2018), in particular Paragraphs 11 and 12: 'Presumption in favour of sustainable development',

National Planning Practice Guidance

The Natural Environment and Rural Communities Act 2006 s.40.

The emerging Local Plan Sites Document – currently at Examination is not considered material to the consideration and determination of this application.

#### **5.0 CONSULTATIONS:**

5.1 A brief summary of the position of statutory and non-statutory consultees is included on the front sheet of the report and issues raised are addressed in the relevant appraisal sections of the report. All consultation responses are available for Members to view on the public access webpage, and referred to in the report accordingly.

5.2 Wombleton Parish Council have raised objections to the proposal, in summary:

- Proposed cycle routes are unsafe;
- Concern that this will lead to second or main homes by ‘the back door’ as no mention of length of tenure and this would place undue burdens on the small village;
- Increase in traffic during construction and in occupation- with a village already congested due to narrow roads;
- Will provide no benefits to Wombleton itself, and will have a huge impact negatively on residents;
- The size of the site is not in keeping with the village;
- Site would increase the already substantial amount of noise pollution for residents close to the proposed development;
- The site could be left half-finished or a change of use inserted part way through the project. Council would like to see something inserted to stop this from happening.

5.3 In terms of neighbour responses, 22 no. comments have been received from individuals.

In summary, the responses are concerned and therefore object to the scheme with the following matters:

- Aviation safety needs to be of paramount importance in the adjacent run-way to the site;
- The adjacent runway is not disused, and has been in regular aviation since the 1960s
- The light aviation has a minimal impact on the existing residents
- The remnants of the WW2 airfield (with the exception of the well-maintained control tower) are the runways and perimeter tracks- which being flat are hidden from passing traffic by hedges
- The proposed southern footpath connecting would cross my land and they do not have a right of access, I and my leaseholders have rights to access the runway section 35/17 those rights include aircraft taxiing, take-off and landing.
- The proposed footpath would be crossing the runway at about head height when coming into land – completely unacceptable in aviation safety.
- The proposals given an embankment- already built and planted with trees, and four chalets directly in line with the approach to the runway 35, a pilot experiencing engine failure, an unexpected down draught or very slight misjudgement could be just one of the main fatalities resulting – completely unacceptable in aviation safety.
- As the potato store is outside of the application area can it be conditioned/ controlled enforced against?
- The indiscriminate hedgerow removal on Hungerhill Lane has done nothing to enhance the area- nor has the bunds with trees which are dead or dying.
- The bunds have been potentially formed from builders waste and household rubbish, with soil over. It has Himalayan balsam in it. Is planning permission needed for the bunds?
- There are 67 units if you include the manager’s accommodation and the office/reception.

- The trees are planted in an unsuitable manner both for their longevity and the implications for the active runway
- Will the package sewerage treatment plan be effective, and the run-off- increase flooding the site floods- pictures provided
- It is not clear how many jobs will be created.
- The application 10/00830/MFUL was never granted for the holidays lodges to the north of the site, I believe because the legal agreement was not signed- what does this mean for this application? See it as a conflict of use.
- The site is not brownfield land – it wasn't added onto the Brownfield Land Register
- Clearly harm the surrounding land, would be highly visible from Common Lane
- The southern footpath to Moorfields would cross two active runways
- The runway should remain open without obstruction (either through people or debris) for safety reasons
- Local holiday parks have not been fully booked through the summer – in spite of the exceptionally good weather
- Up to 276 car parking spaces (Member's this covers a number of applications)
- Holiday homes built for year-round living with a request that no planning restrictions are placed on the operating season.
- The site is likely to have contamination- aviation fuel. This should be established prior to the application going before planning committee due to the size of the site.
- The poor quality of the bunding should also be assessed.
- Should planning permission have been applied for the hedgerow removal?
- The proposed landscaping and layout would not meet with the requirements of SP16
- This is one of two schemes resulting in potentially 129 static caravans.
- Concerned about the noise from the runway and how it would affect the occupants of the units during taxiing, take-off and landing
- Local residents would experience a loss of view of the open countryside
- Consider it cannot be accommodated in the landscape without unacceptable visual intrusion
- Size is out of scale and overbearing, as will be the levels of traffic
- Can the company afford to build the facility, is there the utility infrastructure?
- Because of the scale of the site can I ask that there is a site visit, to see how close it is to the active runway?
- Would harm the natural habitat of the wild deer and other wild animals – species protected by law
- Loss of sheep sale on the airfield
- Dangers from pollution and traffic on country roads
- Wombleton village is within a Conservation Area- consider it would be detrimental to the village as a result of through traffic.
- There is little within the village to attract people, it is small with limited amenities
- The existing businesses may well be adversely affected by this unnecessary development- new jobs at the expense of current jobs is pointless
- The village's road are not wide enough to take the construction traffic- and can this be controlled to avoid the village?
- Change from agricultural use could precipitate further unforeseen exploitation of the site for purposes which could adversely affect the residents of Wombleton
- No local business will be supported, there is not one shop of any kind in Wombleton or Harome
- Utilities strained-Water supply issues- pressure is already very low

- Two separate applications but will be joined by the footpath (note this has now been taken out of the scheme)
- The number of units would probably amount to more than the number of households in Wombleton
- Current paths of the village are narrow, and a hazard for young children- this will only increase with this development
- The current use of the runway for light aircraft has been since 1972. It is unlicensed and therefore not commercial. Permission is needed to land, unless it is in an emergency or a precautionary landing- and the runways are on official aeronautical charts
- The bund has severely disadvantaged our flying- because it creates a serious hazard for take-off and landing as it crosses the northern extent of runway 35. The bunding would be a serious obstruction or cause tipping in the event that the undercarriage or propeller hitting the bund.
- The hazard extends to the presence of the log cabins themselves- with planes flying at an unavoidably low level- there are a number of cabins in the direct flight plan- inadvisable in the extreme.
- The proximity of the site with likely young children, and the risks to them from planes taxiing- in which visibility is much reduced as the pilot cannot see beneath them
- The Local Planning Authority should refer to guidance produced on safeguarding by the Civil Aviation Authority CAP 793 chapters 2 and 3. The CAA has provided this to the Council prior to the application being made.
- Object to the application on the basis that it has not been adequately scrutinised to appraise the dangers, and we have not been offered safeguarding consultation, as recommended by the CAA.
- The Design and Access statement is misleading as it has not made reference to the aircraft hangar which is close proximity and from which planes will taxi adjacent to the northern part of the lodge site.
- Previous applications were declined- and there is a precedent- and these were for a smaller scale of development: Single dwelling, lodge scheme, and alterations to boundary hedgerow to improve access
- The applicants have no local connection- therefore will not be the creation of a local business- construction will be contracted in
- Ryedale is already an area of very high traffic accident incidence- this scheme will increase this by increasing vehicle density in the area
- Consider that proposals would increase CO<sub>2</sub> emissions and exacerbate air pollution.
- Site is not directly related to public transport, nor shops and facilities
- Loss of agricultural land and consequential loss for food production
- Increase wear on vulnerable roads- with limit public expense
- Increased levels of crime due to holiday and transient populations
- Light pollution in the open countryside location
- Para 3.28 of the Local Plan Strategy states: “Over the plan period, Ryedale’s rural communities will not experience significant levels of new development. This Plan looks to ensure that in general, the scale and type of new development at Ryedale’s villages is focussed on addressing local needs and requirements as opposed to externally driven demand”.
- No restriction on residence to would be a means of a cheap home or second home
- Concerns for existing business; tourist related but also equestrian enterprise – extra traffic detrimental
- The two applications – with 18/00662/MFUL should be considered together due to



the overall impacts

- Seem very high density, can the developer demonstrate that there is sufficient demand? Have studies been carried out to suggest this level of need
- What are the implications if it is only half-completed
- What are the implications for a future change of use?
- Applications should be withdrawn and resubmit after meaningful engagement/participation of local residents
- Consider that the proposals would result in visual pollution- harming the countryside which the development is meant to serve

5.4 Responses in (qualified) support of the application (6no.) have commented as follows:

- Local caravan sites are low quality, and this will enhance the local environment and provide good quality tourist facilities.
- The village will enjoy an influx of high-spending holiday lodge owners and occupiers
- It is good to see a company is now willing to improve the outlook of the airfield and increase job and prosperity for the local children and construction workers and tourist related businesses.
- Bring more business to local trade
- People will get to enjoy the beautiful walks and sites and visit local landmarks
- Just what the area needs- great place for holiday cabins
- Reasonable use, and preferable to industrial uses- providing for tourist use only and apply a restriction on occupancy
- Support- but on the basis of screening of the site- and if it dies- it is replaced and no permanent residency- also site looks over-crowded

5.5 It has been brought to the attention of the Local Planning Authority by two individuals who live in the locality that one of the responses made in support of the application has an address which does not exist. The address is Wombleton Grange Barn, Moorfields Lane, Wombleton YO62 7RY. The individual is recorded as a Mr Paddy Tipping. This lack of address has been confirmed through both the Council's property gazetteer and by the Post Office, after the return of a re-consultation letter. In this regard, Members should not consider the responses (by email and through the public access consultation system) made by Mr Tipping as duly made, and have not been referred to in this report. The Local Planning Authority needs to be able to understand the context in which representations are made, to clarify how an individual considers that they, or their community, would be effected by the impacts of a proposal.

5.6 In response to the revisions to the plans:

The Parish Council state that their previous objections to the application still stand.

In qualified support

- No information is given as to how the electricity sub-station will be supplied. If this is through overhead cables the route must be identified as this will influence my support of this application and may affect neighbouring properties.

Further responses state the following in objection to the scheme:

- The two applications are greater than the size of Wombleton Village
- Unprecedented effect on the rural landscape
- Increased traffic along unlit 60mph roads –danger to road users- cyclists, walkers and horse riders
- Local caravan parks have not been full- adding more parks will not help those premises
- Wombleton is rural location sustaining working farms and a balanced community of tourism – do not swamp the countryside with proposals such as these
- The RTP (Revised Travel Plan) is nothing more than an information pack- and not considered enforceable. People will chose the most convenient option based on the circumstances. They will be distributed within three months of purchase of units, and displayed in the manager’s lodge – it is hypothetical and can only be implemented once the units are occupied.
- The references to school accessibility at Beadlam, references to ‘to live’ and use of the words ‘residents’ and moving to the site do not suggest holiday use but being a place of residence.
- Wombleton is not a Service Village, and development should be directed to more suitable locations.
- Reference is made to a shop, and several restaurants –there is a Indian Restaurant and a holiday park with eating facilities (Canadian Fields)
- Reference is made in the Design and Access statement to the private ownership, with residents ‘able to stay year round’ does not suggest holiday use
- The planned pedestrian footway is not suitable- users will have to cross the road at least twice and the bend at Wombleton end of Hungerhill Lane is a blind bend with no footpaths and the verges are unkempt, sloping and over-hung by trees. It is not a continuous footpath.
- The references to the adjacent potato store which is now ‘up for sale’ there are no signs or evidence which demonstrates it is for sale – and the lawful use of the site is as a potato store- meaning if it was sold- the use could be immediately be reinstated.
- The deletion of the footpath does not overcome the issues with the layout and proximity of the proposed lodges to runway 17/35- they remain.
- The applicant is aware of the concerns of the users of the runway (regular and visiting pilots) and has taken no action to resolve the situation either as part of the application- or in relation to the existing activities undertaken. On that basis, given the risk to life, we must therefore defend our interests. We consider that there is a potential offence under Article 240 of the Air Navigation Order 2016.
- The size of farm machinery /vehicles and large wagons using this narrow road is not the average for two way traffic flow.
- The RTP mentions an amenity shop. Wombleton Caravan Park has run an amenity shop for 16 years and speaking from experience this will not reduce the public driving off park to purchase their main groceries. Park shops are mainly used for the sale of calor gas, and the basics. Also identified use of internet shopping and grocery delivery- impact on town centres
- The pedestrian footpath starts opposite the site entrance on Hungerhill Lane and finishes at Washbeck Lane outside of the Wombleton perimeter. The 65 families are encouraged to walk from this junction on the road with wheel chairs/push chairs and young children. These routes have very dangerous narrow roads and blind bends

- Hunger hill Lane is not only dangerous for pedestrians/cyclist but also for traffic-recent accident involving a car and land rover with trailer- no injuries, and on the 23/09/ 2015 a young man jogging on Hungerhill Lane was unfortunately killed by a car traveling to Wombleton.
- Ref: Appeal Dismissed 2009 re. widening of access and removal of hedgerows. Alterations would increase the area of open land beside the highway which would give it a more urban feel than the current rural character of the lane. Extensive work has already been carried out without permission.
- Contaminated bunds have been created which contain Himalayan Balsam (an invasive & noxious weed) building and household waste. The soil cannot have been decontaminated.
- Flood Risk remains an issue.
- The scheme has already caused significant detrimental harm to natural and community interests.
- Identified needs are already being met by existing facilities which have not been fully occupied. Approval of a site of this size would therefore, be detrimental to holiday parks in the area and not in the public interest.
- Public transport: an hourly bus service during the week with limited weekend service through Wombleton and a considerable walking distance from the site.
- No footpaths or cycle lanes from the site to Wombleton Village. See attached photographs showing the narrow lane verges unsuitable for pedestrians. It is unlikely that ‘visitors’ will use the Washbeck/Wellburn route into the village especially in poor weather. This route is equally dangerous.
- Significant increase in traffic on a poorly maintained, dangerous and unlit road regularly used by heavy farm vehicles serving local farms.
- Safety/contamination issues of sewage treatment plants on land susceptible to flooding and so close to farmland.
- The proposal states “At the sales and marketing stage, a proactive Travel Plan can assist a residential developer in promoting a site as an accessible and sustainable location to live” Are they to be used as homes?
- The lodges are to be owned privately and built to a residential specification BS 3632 (2015) and more suitable for year round living.
- A request that no planning restrictions are placed on the length of the operating season.
- This vast application and the sister site at Moorfields Lane is bigger than Wombleton village. References to local schools are only relevant to a residential development not holiday parks.
- All the traffic reports are from other county’s not one of them are in Yorkshire, so they haven’t done a report on our local traffic problems, or the impact on our roads and highways, all the image of Wombleton village are from Google maps and are seven plus years old.
- The revised plans are not solving any problems for the safety of people walking or cycling into Wombleton, building a footpath on Hungerhill Lane to the junction to Wash Beck Lane, does not go all the way into Wombleton what are the wheel chairs

uses and children going to do, walk on the road into Wombleton, this a fast and narrow road with sharp blind bends,

- They're going to ask people to car share, this is just not going to happen, how can the council enforce this?
- These applications ask and recommend customers to use public transport or a car share service, so why do they need to install two car parking spaces per unit?
- The Health and Safety of the fully operational potato store, have not been solved or even talked about.
- Has the bunding that has been put up on the land of application 1800580MFUL without planning, had a contamination report done? If so can we have a copy put online for all to see please?
- A site visit should be undertaken to see the full impact these applications would have

5.7 In reading the consultee representations in detail, Members will be aware that some responses make reference to various civil matters which are not part of the consideration of the application. As such they are not considered in this report. These include the siting of water butts, and matters raised in connection with the applicant's discussions with residents which surround both this application and the application 18/00662/MFUL, and property transactions (such as the sale of the lodges). The presence of the trees is considered in terms of the landscaping of the proposal and the implications for adjoining land uses. Requests have been made for Members to conduct a site visit. Members are able to decide whether a site visit is necessary in advance of determining the application at the Planning Committee if they feel it would clarify any outstanding issues.

## 6.0 APPRAISAL:

6.1 The main considerations to be taken into account are:

- i) Principle of the Development
- ii) Site- Specific Considerations:
  - Adjacent land uses
  - Impact on Highways, Access implications for Pedestrians and Cyclists
  - Landscape Impacts Incorporating Layout and Design
  - Amenity Matters
  - Flood Risk, Foul and Surface Water Management
  - Ecology
- iii) Wider Considerations
  - Economic benefits
  - Crime
  - Heritage
  - Impacts on Land and Air
- iv) Conclusions

### **i) Principle of the Development**

6.2 The site is not allocated in the Development Plan for tourist development, and the principle of the development of the site is not established by the Development Plan. The principle of development would be established if Members are minded to grant permission for this scheme, taking account of strategic policies of the Development Plan and other material considerations. Key issues in the consideration of the application are considered in the following sections. Key Policies concerning the use of the land are SP1- General Location of Development and Settlement Hierarchy, SP8- Tourism and aligned with SP8: SP21- Occupancy Conditions.

6.3 Policy SP1 states that development in the open countryside will be restricted to that which is necessary to support sustainable, vibrant and health rural economy and communities. Tourist-orientated schemes are a form of development which could be considered to be necessary to support the above policy objective. A consultation response referred to paragraph 3.28 of the Ryedale Plan –Local Plan Strategy. Only half of the full paragraph was referred to. It states:

*“Over the Plan- Period, Ryedale’s rural communities will not experience significant levels of new development. This Plan looks to ensure that in general, the scale and type of new development at Ryedale’s villages is focussed on addressing local needs and requirements as opposed to externally driven demand -particularly for new housing. The provision of affordable housing, the provision and protection of community facilities and services together with appropriate new employment and economic activity are important for the longer term sustainability of village communities.”*

6.4 However, there is a simultaneous need to consider the impact of such development in terms of compliance with all other components of the Development Plan, and indeed, there are a number of specific policies which would be relevant in the consideration of this application.

6.5 Policy SP8 –Tourism - is concerned with supporting sustainable forms of tourist activity which minimise their environmental impact on the district, and maximise opportunities utilising the district’s natural, cultural and historic assets. It also sets out the appropriate locations for the provision of tourist accommodation. It outlines that in the wider open countryside new sites will be supported, in principle, for touring caravan and camping sites and static caravan and chalet self-catering accommodation and extensions to existing facilities, providing that they can be “accommodated without an unacceptable visual intrusion and impact on the character of the locality”. As such, based on the open countryside location this would be an acceptable location, in the first instance. However, it also requires that the proposal has not unacceptable visual intrusion and impact on the character of the locality. The scheme’s capability to meet that requirement, and comply with Policy SP8, is considered later in the report. The Local Planning Authority is not able to refuse applications on the grounds of competition. A report commissioned by the applicant has stated that need for this type of accommodation is not clear to establish, but indicates that there is a lack of un-serviced lodge-style accommodation in the locality. Whether there are any wider economic benefits of the development is considered in the report as part of ‘wider considerations’.

6.6 Consultation responses have referred to the possibility of the use of the lodges as second or indeed primary residences. This has occurred in parts of the District (on schemes which pre-date the Local Plan Strategy). This would be in clear contravention of Policy SP1 of the Local Plan Strategy. Accordingly, Policy SP8 also requires that such accommodation

would also be subject to timed occupancy conditions to ensure that the lodges were used for holiday purposes, and not, as some schemes have been in other localities, occupied as dwellings or as second homes. As this would be contrary to the policies in the adopted Development Plan. This time limited occupation condition is set out in Policy SP21:

*e)Time Limited Occupation:*

*New un-serviced holiday accommodation (Holiday cottages, caravan parks (static and touring), log cabins and holiday chalets) will be subject to the following conditions:*

- *The accommodation is occupied for holiday purposes only; and not as a person's sole or main residence; and*
- *It shall be available for commercial holiday lets for at least 140 days a year and no let must exceed 31 days; and*
- *The owners/operators shall maintain an up-to-date register of lettings/occupation and advertising will be maintained at all times and shall be made available for inspection to an officer of the Local Planning Authority on request.*

6.7 Therefore if Members were minded to approve this application- this condition would be applied in perpetuity, without exception, as it forms part of the Development Plan. It has been noted that some of the supporting documentation indicates that the properties could be occupied all year round, and seeks to ensure that the use of time limited occupation condition is not applied. The purpose of the occupancy condition is to ensure no permanent residential dwellings are generated by default. But to facilitate the capability of the continuous letting of the units, year round, as opposed to being closed over the winter (a commonly used way in the past to restrain residential uses in tourist accommodation). This is supported in principle as it helps to reduce the potential seasonality of tourist accommodation. The occupancy does not affect whether the lodges are owned by the site operator, or on a lease-hold basis by individuals who then allow family, friends and other paying occupiers to use the lodges.

6.8 Timber clad lodges, used for tourist activity, can clearly be an appropriate use within the open countryside, and the Development Plan recognises this. There is already a caravan and camping site on the airfield, principally concentrated on the south west of the airfield complex. It has been developed in a manner which is not visually intrusive, and has no conflicting land uses immediately adjacent to the site. Consents have been granted in 2015 and 2017 for small scale schemes (each less than 10 units) close to the existing caravan and camping enterprise. These were considered on their own merits, and considered to be in accordance with the Development Plan. A number of responses have referred to the combined impacts of both this application and another scheme of holiday lodges also on the Wombleton Airfield (application reference 18/00662/MFUL). This report seeks to evaluate the impact of the proposal subject to this application, primarily in terms of the impacts of this particular scheme before Members, but it does consider the cumulative considerations, in so far as their capability to be considered through the Development Plan at this stage. The two small schemes would not have materially significant impact on the character of the wider area. The other planning application 18/00662/MFUL is still under consideration and has not yet been determined.

6.9 Any other use, such as residential, would be subjected to consideration through a planning application. The matters raised concerning the implications of a different change of use, at a later date, could only be considered if an application is made, and considered on the basis of that proposal. Furthermore, if only part of the site is built, the extent to which the

LPA would intervene is only if in the public interest there is a matter which needs to be addressed in accordance with any conditional permission granted.

ii) **Site Specific Considerations:**

Relationship to surrounding land use

6.10 The airfield at Wombleton is not a commercial aerodrome, and as such the Civil Aviation Authority have made no response to the application (although they were formally consulted). The Civil Aviation Authority do produce guidance in respect of safeguarding the safe operation of an aerodrome. CAA guidance CAP793 sets out the process to undertake safeguarding. This can take two forms: either by Statutory Direction, or through unofficial safeguarding which is a privately agreed consultation with the LPA and is used for unlicensed aerodromes (such as this one). In considering whether to designate a safeguarding area (either officially or unofficially) the extent would need to be carefully articulated to only consider where development could be reasonably expected to affect aerodrome safe operation, and not prejudice development which, in all other respects, was acceptable. That discussion about the extent of a safeguarding area, which would be between the LPA and the owners/operators of the runway and associated areas, has not occurred.

6.11 The CAA further state that it is sometimes possible to supply planners with a map that can be used to determine the effect of decisions. Aerodromes are advised (in government planning guidelines) to provide maps as the basis of a consultation process. Such a map would normally be used as a trigger for discussion rather than to indicate areas where development should be ruled out. There is no official format for an aerodrome-safeguarding map. Its purpose is simply to indicate the areas in which development could affect aerodrome operations. Consultation about such development proposals will allow the aerodrome operator to explain how aviation interests might be affected. A map has been supplied to the LPA by the operator which shows the extent of the operational runway, taxiing area and hangar.

6.12 The site is immediately adjacent to a runway (17/35) which is active. This has been reported by the owners and users of the runway and a number of local residents. There are two main runways in operation, and on the Officer's site visit a plane took off from the neighbouring, southern runway. The lawful use as an aerodrome has been long-established. The runway's ownership is split in half, lengthways, and the eastern half is in the applicant's ownership. To the north western limb of the site is the hanger, and planes taxi along adjacent to the proposed site.

6.13 There have been concerns raised to the Local Planning Authority prior the submission of this application about the formation of the bunds and siting of water units and planting of trees. These have resulted in the owner/users being unable to fly. The owners have set out clearly the safety implications with these elements. Although as discussed earlier in the report, some of the issues raised are civil matters and the Local Planning Authority is unable to take action regard those civil elements. The Council would have invited an application to consider the implications of the bunding specifically, but then this application was submitted. This required the Local Planning Authority to consider the impacts of the proposed development, as whole, and it is now before Members.

6.14 The bunding, planting and containers have been undertaken as a precursor to the application, and Officers consider that it is probable that were undertaken to support the

application. However, Officers are of the view that by doing so, the works have illustrated that the proposed land uses are, in summary, incompatible with existing neighbouring uses. Whilst there has been no safeguarding designation, the Local Planning Authority has been provided with unequivocal evidence which shows how the runway has already been and would further be affected by the development described in this application. In consideration of this application, it is clear that the proposed development would have an adverse impact on the operation of the runway. It is not only adjacent to the site, but is orientated in a manner which would directly affect the take-off and landing activity, at the northernmost end of the run way. There are also safety implications for children and animals who may stray on to the runway (even if fences were proposed). There would also be amenity issues raised as a result of the proximity of the lodges to the runway- and this is discussed further in the relevant section of the report.

6.15 The Local Planning Authority has a duty to determine planning applications, unless there are very specific reasons why it is legally unable to make a determination. The application has been made; adjacent land users have had the opportunity to be consulted and have made comprehensive and articulated representations. Officers have given due regard to these responses, which set out clearly the adverse implications for users of the runway, and the adverse impacts of occupants of the lodges. This is both in relation to amenity issues and safety issues. Therefore because of the nature of the site, there is considered to be a public interest issue in the safe operation of the runway, and a need to consider the implications of the proposal in accordance with the adopted Development Plan.

6.16 The southern footpath proposal, which crossed the active run way has been removed from the scheme. However it is considered that this does not overcome the fundamental conflict of use between the existing adjacent use, and that proposed. Policy SP20- Generic Development Management Issues- considers the impact of development on the character of the area, and the design implications of development. Policy SP20 seeks to ensure, amongst other matters that proposed uses and activity will be compatible with the existing ambience of the immediate locality and the surrounding area and with neighbouring land uses and would not prejudice the continued operation exiting neighbourhood land uses. It further states that: new development proposals which will result in an unacceptable risk to human life, health and safety or unacceptable risk to property will be resisted.

#### Impact on Highways, Access implications for Pedestrians and Cyclists

6.17 The proposed use, layout and off-site works in the highway have been assessed to consider the acceptability of the access and visibility splays. Also considered is whether the proposed use of the site would be acceptable onto the existing road which runs to the east of the site, Hungerhill Lane. This is a national speed limit road at the point it passes the site, and connects the A170 to via Wombleton, to Nunnington and the B1257 beyond.

6.18 The Local Highway Authority raised initial objections to the scheme, in terms of two key elements:

*The roads leading to and from the site are by reason of the insufficient verge widths, poor condition and lack of footways considered to be unsuitable for the pedestrian activity to and from the nearest amenities of Wombleton village which would be likely to be generated by this proposal with consequences that such activity would resort to the use of the private*



*motorcar and go against the key objective of presumption in favour of sustainable development advocated in the National Planning Policy Framework.*

*The required right-turning forward visibility stopping site distance of 169 metres cannot be achieved along the public highway at the proposed access junction and consequently traffic generated by the proposed development would be likely to create conditions prejudicial to highway safety.*

6.19 A revised transport technical note and indicative travel plan were submitted. The information contained within these documents, and the revised layout concerning the visibility splays, and formation of a footpath, has resulted in the Local Highway Authority revising their comments to confirm that they have no objections subject to the inclusion of a series of conditions.

*“The documents now include updated traffic speeds and visibility data and a separate pedestrian entrance and off-site works to facilitate reasonable pedestrian /cycle access to and from Wombleton Village and the site. In this respect I consider the development acceptable from a highways point of view subject to recommending appropriate conditions. The off-site works would need to be covered by a S.278 Agreement of the Highways Act and be completed prior to any part of the development being brought into use. Furthermore I understand that the applicant is prepared to accept pre-commencement conditions which will be required as part of this consultation response. Consequently the following conditions are recommended:*

- *Discharge of surface water;*
- *Private access/verge crossing – construction requirements and license;*
- *Vehicle access visibility splays;*
- *Pedestrian/cycleway access visibility splays;*
- *Details of site works in the highway;*
- *Completion of site works in the highway- prior to occupation*
- *S.278 agreement provisions*
- *Details of ditch to be piped;*
- *Parking spaces to remain available for vehicle parking*
- *Highway condition survey prior to HVCs onto the site*
- *The submission and approval of a Travel Plan*
- *Construction Management Plan*

6.20 A large number of the consultation responses have raised concerns regarding the level of traffic generated by the scale of the proposal in relation to Wombleton itself (and in doing so often referring to the other scheme which is under consideration- and which is also not determined). Each proposal needs to be considered on its own merits, although it is appreciated that if both schemes were to occur, there would be increased traffic movements through Wombleton and the surrounding roads. This increase is not considered to be unacceptable in the view of the Local Highway Authority (LHA). There is no clear symmetry in traffic levels between residences and the lodges. They are for different uses, and will not compete for facilities and services, nor be in the majority of commuting traffic. Tourist enterprises do not result in peaks in the traffic movements, resulting in congestion (unlike residential development which has more marked travel patterns).

6.21 It is noted that references have been made in relation to dangers raised by the increased traffic density through the village of Wombledon. The Local Highway Authority is satisfied that the highway implications are acceptable, and would impose conditions securing no HCVs through the village during the construction phase. The paths through the village are not being changed by the development, their narrow nature is a feature which is already present. Pedestrians are aware of this, and drivers should pay due regard to the road conditions.

6.22 The proposals are to provide, within the public highway, a footpath, subject to a s.278 Agreement. The path only extends as far as Wash Beck Lane, and then ceases. The proposed footpath route has been met with criticism, based on the fact that it does not run into the village. The rationale for this is that the amount of traffic and its speed reduces to the extent that the footpath is not considered necessary. Individuals will be able to walk in the road. This is acceptable to the LHA. Driver behaviour is not a material planning consideration- as it is responsibility of the driver to drive with due care and attention based on the conditions of the road, recognising the potential for wide farm vehicles, horses, and pedestrians. Likewise those pedestrians would also be expected to use the road with care. Officers do consider, however, that the lack of a continuous footpath will raise concerns for a number of occupants of the lodges. As comments received in response to the application have stated, the truncating of the path will still cause concern to those pedestrians who are using more of the road's width: such as those with young children, pushchairs, wheelchairs and dogs, or those who are unable to get quickly onto what verge exists. In combination with the bend, and lack of visibility, this would make it much harder for these users to respond to on-coming traffic, and vice versa. This lack of footpath would be likely to present a barrier to pedestrians proceeding farther along the road because of their concerns regarding safety.

6.23 In response to criticisms levelled at the proposals for the Travel Plan, the precise details would be required to be approved, in writing by the LPA in conjunction with the LHA. It is noted that the submitted revised transport statement has referred to features which would be more akin to the consideration of residential development (such as references to schools). This is likely that this is an oversight by the applicant's consultants. The Local Planning Authority is considering the proposed use for tourist operations. As non-essential residential development in this location is contrary to the spatial approach of the Local Plan Strategy.

6.24 It is also noted that the transport technical note refers to the proposal having an on-site shop. This is not identified on the plans, and is not being considered as part of this application. The planning considerations around the provision of a shop would need careful consideration to ensure that the vitality and viability of proximal town centres was not harmed.

#### Landscape Impacts, Incorporating Layout and Design

6.25 The application site is situated within the National Landscape Character Area of the Vale of Pickering, which is primarily defined in extent by the Vale's low-lying topography. Local Plan Strategy Policy SP13 seeks to protect and enhance the quality, character and value of Ryedale's landscapes, including that of the Vale of Pickering, in which this site is situated. *“Development proposals should contribute to the protection and enhancement of distinctive elements of landscape character that are a result of historical and cultural influences, natural features and aesthetic qualities including...”*

*The pattern and presence of distinctive landscape features and natural elements, including field boundaries, woodland, habitat types, landforms, topography and water courses.”*

6.26 The 2011 Landscape Characterisation Project of North Yorkshire and York identifies the area in which this site is situated as 'Enclosed Vale Carr Farmland'.

Broad vale landscape which feels generally enclosed to the north and south by higher landscapes (within the Limestone Foothills and Valleys, Limestone Ridge and Wooded Hills and Valleys Landscape Character Type);

- Lightly settled landscape containing a pattern of dispersed farmsteads;
- Predominantly rural character and overall sense of tranquillity;
- Large rectilinear, predominantly arable fields, interspersed with pockets of improved grassland in the west;
- Embankments, dykes and electricity pylons exert a human influence over the landscape;
- Pockets of diverse wetlands are also key landscape features;
- Several prehistoric sites (such as Star Carr), and heritage features relating to monasteries and historic drainage works are scattered throughout the landscape.

2.27 It does not go into the same level of detail that the District-level Landscape Character Assessment (LCA) (Landscapes of Northern Ryedale, 1999). The landscape features of this site are typical of the LCA which identifies the land as being part of the Vale of Pickering and within Wooded Open Vale. The key characteristic features are:

- Flat, low lying terrain
- Open Countryside
- Long views punctuated by geometric woodland blocks.

The main differentiating characteristic is the higher concentration of woodland blocks and shelter belts. They are relatively recent in origin (as is much of the field pattern locally).

6.28 Wombledon Airfield is not within the Area of High Landscape Value. The elevated land to the west is within the Fringe of the Moors Area of High Landscape Value, and views of the site are capable of being achieved at distance from this area, particularly along Common Lane to the west, which looks over the aerodrome site. Being an area for an aerodrome, the land in which the site is situated is naturally open and exposed. References have been made to the acceptability of other schemes in the locality of this application. However, this proposal is of a much larger scale than the previous scheme which was under consideration in 2010 (although undetermined and then disposed of).

6.29 Views of the potato store are achievable, which the holiday lodge site would ‘wrap around’. The Landscape and Visual Impact Assessment (LVIA) has referred to the ‘industrialising influence’ of the potato store, but then refers to the semi-mature woodland and hedgerows which provide some screening from surrounding areas. The LVIA also refers to the ‘run down semi-industrial appearance’ of the ‘former air field’ in which the site is located and is seen as detracting from the surrounding countryside. These descriptions do not, in themselves, describe the site as being attractive for the prospective occupants/owners of the holiday lodge accommodation.

6.30 The LVIA has noted that the north and west of the site is the most open, but views from the south would also be achieved. It is not clear from the report whether the report writer is aware that the runway is still operational. It is suggested by Officers that they are not

aware. The summary of landscape effects conclude that with the ‘recessive nature’ of the proposals, combined with the localised reduction in landscape quality within and adjacent to the airfield, and the industrial scale potato store, changes to the landscape would be minimal. It concludes overall that ‘the proposed development would neither enhance nor detract from the character of the derelict airfield’. As the airfield is not derelict, the proposed mitigation measures of extra trees and increased bunding are not capable of being delivered because of issues raised earlier in the report. As such the site of 65 lodges of 3.62 metres in height would be clearly viewable over some distance- as identified in the LVIA.

6.31 The layout of the scheme principally reflects the landownership and the layout of the airfield, resulting in a very linear, geometric in form. The current landscaping treatment is ineffective. On site it was noted that the trees are not in good growing conditions, as the bund is often placed on hardstanding. They have suffered over the hot, dry summer and either have died or at the very least not thrived through lack of nutrients, water and competition from other trees on the bund. This can be seen from Officer’s site photos. Officers also have concerns with this planting to serve as landscaping for development insofar as the planting is accordingly geometric, rigid, uses conifers and will act as a screen, rather than as a landscaping softening which is reflective of the prevailing pattern of hedgerows and tree planting in other parts of the airfield area, and surrounding landscape character, which uses a mixture of native trees and shrub species. The bund and planting is also identified in the LVIA as being ‘insufficient’ as the proposed as the landscaping scheme and that it should be augmented and expanded with the use of native species. It is noted that the northern extent is more sensitive, due to views achieved, and this is also where the runway landing is. Officers concur with the LVIA’s assessment on the deficiencies of the planting. The proposed bunding described in the LVIA would be 10 metres wide (five times that of the current bunding- with a commensurate increase in height (though not specified), it also states that the bund should have a varied height and profile and hard angular bunds which look engineered should be avoided. However, the tree planting and bund enhancement will exacerbate the situation for the users of the runway. As such, based on the supporting documentation, and the actual physical features of the bund, they would not be able to be implemented in the manner proposed in the LVIA, therefore resulting in an insensitive, incongruous development within the landscape. Returning to the provisions of Policy SP8, Officers do not consider that the proposed use can be accommodated without unacceptable visual intrusion. As such it is not considered that the proposal is able to accord with both Policies SP8 and SP13.

6.32 Expanding on this, Policy SP16 - Design- requires that development proposals create high quality durable places that are accessible, well integrated with their surroundings and which, amongst other aspects, reinforce local distinctiveness. This is through the location, siting form, layout and scale of new development respecting the context provided by its surroundings including: topography and landform that shape the form and structure of settlements in the landscape, and that views, vistas and skylines that are provided and framed by the above. Based on the issues identified with the site in terms of landscape setting, it is considered that the layout does not result in a compatible scheme which is well integrated with its surroundings. It is considered that whilst the design of the cabins is acceptable, their positioning is dense, with the areas of communal parking creating large areas of gravel. As such it is considered that the layout and design of the site, in conjunction with the issues identified as part of inability to deliver suitable landscaping would result in a development which would be contrary to the requirements of Policy SP16.

#### Amenity Matters

6.33 The report has already discussed the proximity of the proposal to an active runway. The Council's Specialist Environment Officer is unable to consider noise from aviation in general. Nevertheless, the Local Planning Authority is able to consider the implications of noise from adjacent land uses. In the opinion of Officers, this represents the potential for intermittent though significant disturbance through planes (light aircraft) taking off and landing in very close proximity to the lodges. Indeed for some of the lodges in the north western limb- planes would pass right over the top of them not far from the ground. The noise report has described the runway as being disused, and this is not the case. Although the current physical obstructions have clearly hindered operation of the runway. There is also the potential demand for the air strip for emergency landings- and these could be day or night. It is appreciated that based on the current use of the land, there are no amenity issues raised by aircraft. If permission was granted, this is expected to increase and fetter the operation of a long-standing use. Also it would not be seen as desirable for the identified owners/renters of the proposed lodges.

6.34 The potato store is adjacent to the east, and the site 'wraps' around it. An application in 2010 for a series of lodges and pods in land to the north of potato store was not determined. The reason for this was that a decision in principle was reached to grant planning permission, subject to the signing of a s.106 agreement to manage the operation of the store to bring about an acceptable level of amenity to adjacent occupiers of the lodges. At the time the land was all within the same ownership. The s.106 however was not signed, and after some time the file was then closed.

6.35 The Specialist Environment Officer is in a position to make observations in relation to the potato store. The noise assessment has concluded for this application that the noise from the adjacent potato store will exceed acceptable guidelines of a day time level of 50dB LAeq with partially open windows during both day and night time period and it therefore indicates a serious adverse impact. The report recommends mitigation in the form of acoustic louvres to be installed onto the potato store and states that this is expected to achieve an attenuation of 18dB. The Specialist Environment Officer has advised:

*I recommend that should approval be granted, all mitigation work is carried out prior to any site development and evidence provided to the local authority that attenuation in accordance with the BSA noise assessment report section 10:9 has been achieved or that a maximum 50dB LAeq at the nearest noise sensitive receptor during day time (07:00 – 23:00hrs) and 40dB LAeq during night time (23:00 – 07:00hrs).*

6.36 This raises two significant, interrelated, implementation issues. The first is that the potato store is the lawful use of the building (irrespective of any sale) and it is outside of the red outline of the application. In early 2018 the obligation which prevented activities in connection with the potato store was discharged. In the report it states:

*"The applicant purchased the land shown edged in red on the plan in September 2017. The land does not form part of the potato storage use or operation, it has been severed from it. As a result, the purpose of the section 106 agreement is obsolete, in so far as seeking to limit the potato storage to the 'new building' which is outside of the applicant's control."*

This demonstrates that there is no legal means by which the Local Planning Authority can control the activities of the potato store in relation to implications for the surrounding land. Neither a s.106 nor a unilateral undertaking (as referenced in the Design and Access

Statement but not provided), can be effectively applied as the land is in separate ownership. The second issue relates to the capability to enforce the condition as suggested by Specialist Environment Officer. Whilst the applicant has agreed to any pre-commencement conditions, in principle, the condition requires compliance prior to the commencement of the development. It is considered that this is not achievable because it is not within the applicant's legal power to apply the louvres. No response has been received by the owner of the potato store regarding this application. In the light of the above assessment, however, it is clear to Officers that the condition on the noise would not satisfy the tests set out in the Planning Practice Guidance.

6.37 The potato store does not operate all year-round, being based on the timing of the potato harvest and duration of storage. It is nevertheless, able to operate without limit. The applicant's own landscape and visual impact assessment has highlighted the appearance and scale of the building as being industrial, and it is a sizable structure to screen. It notes a time lag of between 8-10 years in the LVIA for the trees to reach a degree of maturity to provide effective landscaping. In the meantime this would not be an acceptable outlook for those visitors seeking to enjoy the many natural and cultural assets of Ryedale and beyond, and unlikely to be attractive to investors on that basis. A loss of view for current residents is not a material consideration. But the development would have an adverse impact on the landscape, and adverse amenity to prospective occupants of the site, and these are clearly material issues.

6.38 The proposed manager's accommodation would constitute a residential dwelling, (albeit in connection with the management of the site). In the interests of the protection of residential amenity in principle, this requires specific consideration. This dwelling is situated on land which straddles both the land to the potato store, and the runway. The occupant and any dependants they may have would be subjected to unacceptable levels of noise from the potato store, which are not capable of being mitigated satisfactorily, and which would also be subjected to noise and disturbance associated with light aviation planes landing and taking off some 70 metres from the property.

6.39 Lighting issues have been raised. It is considered that a scheme of lighting could be adequately conditioned if Members are minded to approve the application.

6.40 Policy SP20 -Generic Development Management Issues - is concerned with character of places, and amenity considerations amongst other matters. It seeks to ensure that *“proposed uses and activity will be compatible with the existing ambience of immediate locality and the surrounding area and with neighbouring land uses, and would not prejudice the continued operation of existing neighbouring land uses.”* It further states that *“new development will not have a material adverse impact on the amenity of present or future occupants... by virtue of... proximity to neighbouring land uses. Impacts on amenity can include, for example, noise...”*

It is considered that on the basis of the adjacent land uses, occupants of the lodges would be subjected to an unacceptable level of noise which would be very disruptive. Many of the units would also not have an outlook which was commensurate with the provision of high-quality tourist accommodation. As such it is considered that this development would be incompatible with the objectives of Policy SP20.

## Flood Risk, Surface Water Management and treatment of Foul Water

6.41 The north-eastern corner of the site is within Flood Zone 3, but it is a relatively small area. The treed area, where this area of high flood risk is situated, is not proposed to be subject to any changes in surface regime. The rest of the site is Flood Zone 1 in terms of both River-derived Flood Risk and surface water flooding. The site therefore passes the sequential test of ensuring that development occurs in the areas at least risk of flooding. That said, surface water management still remains important. Consultee responses have provided visual records of the land being subjected to surface water flooding, and the LLFA acknowledges that whilst they have no record of flooding, that does not mean that flooding has not occurred. There is still a need to ensure that both foul and surface water management are addressed satisfactorily. In summary, surface water drainage is to be provided through the use of SUDs in the first instance and use of pre-existing land drains.

6.42 The Local Lead Flood Authority has considered that the submitted documents show a reasonable approach to the management of surface water on site, and has proposed a series of conditions, which are accompanied by a series of considerations which would need to be addressed in the process of discharging the conditions. The Vale of Pickering Internal Drainage Board, have advised that on the basis that SUDs are proposed, and they then prove to be unsuitable, discharge will be to nearby watercourse. There are such watercourses in close proximity maintained by the board. If it is necessary to discharge, this must be restricted to a maximum of 1.4 litres/second/hectare.

6.43 Foul water is proposed to be treated by means of bio-digester sewerage treatment plant- with the treated water to then be discharged via SUDs. Yorkshire Water have no comment to make on that basis, as they would not be obligated to treat the water. This proposal, in principle, would be to the satisfaction of the Environment Agency providing the details of the scheme are submitted to and approved in writing by the Local planning Authority.

6.44 On that basis, it is not considered that the proposal is contrary to Policy SP17 which is concerned with the protection of natural resources and minimising the risk of flooding as a result of new development.

## Ecology

6.45 An ecological survey has not been provided as part of the application, which was validated without the survey. An ecological survey in this instance has not been subsequently sought during the consideration of the application. This has currently resulted in the Local Planning Authority being unable to determine the impact of the proposals on biodiversity. The site is a mixture of coniferous plantation, some of which has been removed, and rough grassland. As such, it is not possible to state that the proposed development would/would not accord with SP14, nor is it possible to justify this lack of information as a reason for refusal as it was not explicitly sought by the Local Planning Authority. Members are aware of the statutory responsibility placed on Local Authorities by the NERC Act 2006 (s.40) which states that: "The public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." Therefore if Members were minded to approve this application, the application would require an ecological survey to be provided prior to its final determination. Mitigation conditions required as a result of that survey would need to be delegated to the Head of Planning.

#### **iv) Wider considerations-**

##### Economic Benefits

6.46 The applicant has commissioned a report which seeks to evaluate the need for tourist accommodation in the area. The Local Planning Authority is guided by the Development Plan which supports tourism accommodation which is sited appropriately, and is also understandably supportive of tourist activities which diminish seasonality both in terms of accommodation and enterprises. The report identifies, in generic terms, that it is the short term renters which make the biggest expenditure per trip (page 10 of the Site Development Assessment). The supporting documents provided with the application suggests that the units will be sold on. It should be noted that the sale/sub-letting of units is a land-ownership transaction, and not part of planning control. If such a proposal was acceptable in principle the units could only be occupied (by the owner/or renter) as per the condition set out in SP21.

6.47 The District Council supports and initiates activities to promote sustainable tourism, which capitalises on the pre-existing natural, cultural, historic and entertaining enterprises in the district. The provision of a range of accommodation is aligned to that, but the accommodation must be considered to be acceptable in planning terms. Matters concerning supporting existing businesses in the locality can be a material consideration, but competition with existing tourist accommodation enterprises is explicitly not a material planning considerations. This is because the planning system considers the impacts of a proposal in the public interest, and competition is not a public interest matter. Regarding supporting existing businesses, it is not possible to control the movements of occupants to visit enterprises in the locality, because that would be unduly restrictive and simply not enforceable. As noted by a number of responses, job creation as a result of the site's construction is likely to be low; involving those already employed in this area of the construction industry, and they will be contracted in and then leave. Because the site will be managed at a low level- i.e. self-catered, no cleaning; only the site manager will be employed permanently to manage the bookings, with contractors to manage the site's open spaces when required. As such it is not possible to make a direct correlation between the delivery of the site and direct economic benefits to the locality. It is difficult therefore to identify the extent of the benefits that are required to be balanced against the harm identified by the proposal.

##### Crime

6.48 Planning has a role to play in consider how developments can be designed to minimise the opportunities for crime. This is in relation to designing-out crime from external sources. Matters regarding speculative, potential for criminal offences based on occupancy is not a material planning consideration to be taken into account in the determination of an application. The monitoring of anti-social behaviour is a matter for the District Council and other community organisations in conjunction with the Police and other enforcement bodies.

##### Heritage

6.49 No direct heritage implications have been identified. There are no designated heritage assets on the site or at a proximity would be affected in their setting or their significance, as established by the Landscape and Visual Impact Assessment. Comments made in relation to the Conservation Area of Wombleton relate to the increase in traffic. This does not demonstrably effect the character and appearance of the Conservation Area, and the



features for which designation took place. Traffic movements have been considered by the Local Highway Authority. The site is within the Vale of Pickering, but due to the longstanding uses, it is very likely that archaeology has already been compromised, and there would be limited excavations, due to the nature of the development proposed.

#### Impacts on Land and Air

6.50 Matters regarding carbon dioxide emissions, are considered within the context of the spatial strategy- which is considered in Policy SP1. This proposal is for a development for which an open-countryside location would be expected, in principle, as per SP1 and SP8. The Local Plan Strategy seeks to accommodate development and growth in more sustainable locations, concerning the provision of homes, shops and land for employment. This is done on the basis for the rural areas there will be other uses, such as tourism accommodation, which are compatible with being in a less sustainable location. This is a correct balance in terms of allowing rural areas to be sustained by appropriate economic development which capitalises on the rich natural and cultural assets of the district.

6.51 Wombledon is not in an Air Quality Management Area, and the levels of traffic and environmental conditions do not result in a requirement for an air quality assessment.

6.52 The land on which the application sits is not considered to be of significant agricultural merit by virtue of the trees and adjacent uses.

6.53 If Members are minded to grant this application a condition would also be required to ensure no contamination from aviation fuel residue. This has been raised by consultees, and whilst it would not undermine the proposal in principle, it would require further, proportionate investigation as remediation solutions are available.

6.54 As such is considered that the proposal raises not conflict with the policy requirements of SP17- Managing Air Quality, Land and Water Resources.

#### **iv) Conclusion**

6.55 It is considered that whilst the proposal accords with Policy SP1 (in so far as the application proposes a use which can be appropriate in the Open Countryside); when the Local Plan Strategy is read as a whole there are considered to be irreconcilable deficiencies with the proposal. The proposal is contrary to Policy SP8 and SP13 because the development cannot be accommodated within the landscape without unacceptable visual intrusion. Related to this matter, is the fundamental incompatibility concerning the land use context which surrounds the site. The presence of an active runway would result in issues of aerodrome safety both for the pilots and for occupants of the lodge site, and associated adverse amenity impacts for occupants of the lodges. This is compounded by the presence and operation of the adjacent potato store and the unacceptable levels of noise and poor outlook which would be afforded to occupants of the lodges, including a residence for the manager. There is no legal capability to mitigate the levels of noise to a satisfactory level and/or to overcome the time-lag of the screening. As such it is considered that the proposal is also contrary to the objectives of Policies SP20, SP13 and SP16. On that basis, in terms of Policy SP19, and the presumption in favour of sustainable development, this development, when reading the plan as a whole, is considered to be contrary to the economic, social and environmental conditions of the area. The application is therefore recommended for refusal for the following reasons.

6.56 If Members are minded to refuse this application, Members are advised that enforcement action is authorised to secure the removal of the bunds from the site.

**RECOMMENDATION: Refusal**

- 1 The extreme and adverse juxtaposition of the proposed development in relation to the operational runway 17/35 gives rise to serious conflict of uses. This is by virtue of a combination of the layout and the impact of the existing, unacceptable bunds and proposed landscaping and the lack of physical barrier to restrict access. The proposal would have an unacceptable safety risk to both the users of the runway, and the occupants of the proposed log cabins. This would be contrary to Policy SP20- Generic Development Management Issues- of the adopted Ryedale Plan Local Plan Strategy which seeks to ensure, amongst other matters, that proposed uses and activity will be compatible with the existing ambience of the immediate locality and the surrounding area and with neighbouring land uses and would not prejudice the continued operation existing neighbourhood land uses. Policy SP20 further states that: new development proposals which will result in an unacceptable risk to human life, health and safety or unacceptable risk to property will be resisted.
- 2 The landform of the site is low-lying and flat, but also open and exposed. The proposed development does not provide an appropriate level of landscaping. This is to mitigate the adverse impact of the development, as at 3.62 metres in height the proposed lodges would be visually prominent with the landscape. The proposed mitigation in the submitted Landscape and Visual Impact Assessment to address this issue would compound identified safety issues for the adjacent operational runway. The proposal is therefore a development which cannot be accommodated within the landscape without unacceptable visual intrusion. This is considered to be contrary to Policy SP8 - Tourism, SP13 - Landscapes and Policy SP16 - Design- of the Ryedale Plan Local Plan Strategy. The inability to overcome the time-lag of the internal screening for the potato store would also result in a poor outlook for the proposed occupants of the lodges. It is therefore also considered to be contrary to Policy SP16-Design, which expects developments to protect amenity and promote well-being.
- 3 The operation and presence of the potato store would be likely to result in unacceptable levels of noise and poor outlook afforded, respectively, to occupants of the lodges, including a permanent residence for the manager. There is no legal capability to mitigate the levels of noise to a satisfactory level. In addition the proposed internal landscaping will take a significant length of time to fully establish. As such it is considered that the proposal is contrary to the objectives of Policy SP16- Design- of the Ryedale Plan - Local Plan Strategy which seeks in the design of new development, protect amenity and promote well-being. It is also contrary to Policy SP20- Generic Development Management Issues- of the adopted Ryedale Plan Local Plan Strategy which seeks to ensure, amongst other matters, that proposed uses and activity will be compatible with the existing ambience of the immediate locality and the surrounding area and with neighbouring land uses and would not prejudice the continued operation of existing, neighbouring land uses.