

Item Number: 8
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 43no. timber clad static holiday units with decking, 1no. static site managers accommodation unit/office together with formation of a site vehicular access, associated permeable gravel internal site road with car parking spaces for the individual units, site landscaping (both internal and peripheral) including the retrospective peripheral bund (identified area to be retained only), with proposed low level site entrance lighting, installation of a package treatment plant and siting of electricity substation with boundary fencing and the erection of a section of acoustic fencing with two reinforced soil barrier acoustic bunds of 9.5m and 7.5m in height.
Location: Field Off Hungerhill Lane Wombledon Kirkbymoorside

Registration Date: 16 July 2018 **8/13 Week Expiry Date:** 15 October 2018
Case Officer: Rachael Balmer **Ext:** 43357

CONSULTATIONS:

Civil Aviation Authority No response received.

16 December 2019

Environmental Health Officer No objection
Lead Local Flood Authority Recommend conditions
Sustainable Places Team (Environment-Agency Yorkshire Area) Previous comments still stand
Parish Council No response received

11 June 2019

Vale Of Pickering Internal Drainage Boards See comments on 21.08.19
Highways North Yorkshire Recommend conditions
Lead Local Flood Authority Conditions recommended
Yorkshire Water Land Use Planning No further comments
Parish Council Objections still stand
Ecologist Recommend conditions
Sustainable Places Team (Environment-Agency Yorkshire Area) Previous comments still stand

29 April 2019

Lead Local Flood Authority No further comments to add
Highways North Yorkshire Recommend conditions
Parish Council Previous objections still stand
Vale Of Pickering Internal Drainage Boards No further comments
Environmental Health Observations

19 December 2018

Sustainable Places Team (Environment-Agency Yorkshire Area)	No further comments
Environmental Health	Observations
Vale Of Pickering Internal Drainage Board	No further comments
Parish Council	Previous objections still stand
Lead Local Flood Authority	No further comments to add
Highways North Yorkshire	Recommend conditions

24 October 2018

Highways North Yorkshire	Recommend conditions
Vale Of Pickering Internal Drainage Board	No further comments
Lead Local Flood Authority	Original comments relevant - recommend conditions
Sustainable Places Team (Environment-Agency Yorkshire Area)	Previous comments apply
Yorkshire Water Land Use Planning	No further comments
Parish Council	Previous objections still stand

Initial responses:

Parish Council	Objection
Vale Of Pickering Internal Drainage Board	Comments
Yorkshire Water	Comments
Lead Local Flood Authority	Recommend conditions
Highways North Yorkshire	Objections
Environmental Health Officer	Recommend condition -concerns
Sustainable Places Team (Environment-Agency Yorkshire Area)	Recommend conditions

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, Mr David Wheeler, Mr Balvinder Dheer, Mr Simon Greaves, Mr Neil Herbert, Collin & Maureen Jameson, Mr Andrew Edwards, Ms C Hilton, Mr Kevin Woods,

1.0 SITE:

- 1.1 The site is circa 8.5 ha in size, and sited approximately 700metres 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.
- 1.2 The site is part of the extent of Wombleton Air Field which was used in World War II. There are a series of runways in operation, and the site is classified as a General Aviation Aerodrome. It is not licensed and therefore is not within the remit of the Civil Aviation Authority. The site contains areas of hardstanding, plantation trees of a range of species (deciduous and coniferous) and grass. The hardstanding includes 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 as a private, unlicensed runway.
- 1.3 The site (as defined by the red outline) broadly forms a very rough ‘T’ shape, wrapping around a potato storage facility to the east, and to the north of runway 17/35. Additional land within the applicant’s ownership (within the blue line) is the hardstanding of the inactive component of the runways. The site’s general layout is derived from the legacy and layout of the airfield, although the land which is subject to this application, and not runway, 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 Full permission for the change of use of part of the surrounding airfield land is sought to develop 43no. holiday lodges. These would be sited in two blocks 14 to the north, and 29 to the south. This would be accompanied by an internal gravel road which provides access from a partly constructed access to the south of the site onto Hungerhill Lane. To the north, also providing access onto Hungerhill Lane, is a track which would form a footpath to link into an off-site footpath to be formed that would lead part way to Wombleton Village. The site would include a manager’s residence with office/reception included in that residence. Further elements include the provision of low-level lighting at the site entrance, and the installation of a sewage treatment plant and an electricity sub-station. Internal and peripheral landscaping is sought. To respond the noise emitted from the potato store, two vegetation clad- soil-filled sound barriers of 9.5 and 7.5 metres in height are proposed within the existing area of trees. Connecting these would be a bund with acoustic fencing on the top of 4.5 metres in height.
- 2.2 The lodges are proposed on the plans as being 13.71metres 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 strictly 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, and it has been revised to respond to previously identified deficiencies (such as the lack of an ecological report, and a tree report). 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, as has a report on matters of aviation safety, provided in December 2018. A further report on aviation has been provided on the 12 December 2019, which has considered the findings of an aviation report which was commissioned by the Local Planning Authority. Lastly, an aviation safeguarding map has been submitted. These documents referred to above are discussed in the relevant Appraisal section of the report.
- 2.4 This application had been lodged with the Local Planning Authority for close to 18 months. It has undergone eight different iterations, which have been to respond to sensitivities presented on the site as a result of the adjacent land uses, as well as to ensure general Plan compliance. In 2019 Officers have had two meetings and extensive email correspondence regarding the scheme. The Local Planning Authority also sought external assessment of the proposals in relation to aviation safety matters. The report was commission in May and received in early June 2019. That report is a background paper, and is specifically referred to in this report. In total, five re-consultations have been undertaken. The scheme has also been at Planning Committee's consideration on three occasions twice in late 2018 and once in 2019; but has only been considered by Members to the extent of agreeing to allow a deferral. At the most recent committee (13 August 2019) Members also agreed to undertake a site visit. The site visit took place on the 3 September 2019.
- 2.5 The key revisions that have been undertaken to the scheme involve the following aspects:
- The reduction in the extent and number of the lodges. The layout originally sought to develop 65 timber-clad static holiday units (lodges) with decking. This had been reduced by a third, over the seven iterations of the scheme. It seeks to avoid specific areas of land concerning aviation safety and the existing areas of trees.
 - A footpath was added to lead onto Hungerhill Lane from a pre-existing access at the north of the site.
 - The grouping of the car parking was reduced;
 - The addition of an electricity substation;
 - The deletion of a proposed public footpath to the south of the site to Moorfields Lane and addition of a Travel Plan and Transport Assessment;
 - Changes to peripheral and internal landscaping;
 - The-siting of the Manager's accommodation to address previously raised concerns.
 - Deletion of the reception/office unit;

- An ecological enhancement scheme which is compatible with aviation safety considerations (birdstrike)
 - Identification of areas where no vertical obstructions would be permitted as part of an aviation safeguarding exercise;
 - Proposed creation of noise attenuation measures in the form of originally Louvres to be attached to the potato store; and then the use of an acoustic fence; returning to the louvres (with the intent to seek a legal agreement for their implementation) and then finally, a vegetation covered soil/steel bund structures.
 - A revised plan received 7.1.2020 includes the provision of the footpaths to access the lodges (this has not been consulted upon due to its very minor nature).
- 2.6 These revisions have been to respond to: matters concerning aviation safety; mitigation of the noise from the potato store; improving the external and internal appearance of the development; and improving the accessibility of the site. If Members are minded to approve the application, it would be imperative that a plans clarification condition is applied to be clear about which plans are the approved plans.
- 2.7 This proposal is partly retrospective in one element. 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 application's description consequently refers to the retrospective creation of a soil bund. This bund is operational development and therefore requires planning permission in the first instance. 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 extent of the bunding is to be revised and this is shown on the most recent plan submission. A section of bunding which surrounds the northern end of the runway is proposed to be removed as part of meeting aviation safeguarding requirements.
- 2.8 If Members are minded to approve the application a condition is recommended which specifies the removal of the bunding concerned, as the retrospective bunding is in the description of development. 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 bunding, because of the current issues it raises in relation to aviation safety. Matters concerning hedgerow removal, raised in the consultations, in this instance are not enforceable as the Authority is unable to establish when the hedging was removed.
- 2.9 There are at present civil issues between the owner/user of the other half of runway 17/35 and the applicant regarding the use of the runway and liability in the event of an accident. The siting of large water storage containers down the centre of the runway, as demarcation of land has occurred, primarily, in response to these civil matters. 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 significance of the mutual implications of the proposed use for holiday lodges in relation to the existing operation of the runway, and this is also discussed later in the report.
- 2.10 In justification for their own scheme, the applicant has made reference to a scheme

granted permission (15/01018/MFUL) in 2015 for 12 lodge units on land to the east of the Wombledon Caravan Park, and west of the runway 17/35. It is noted by Officers that whilst clearly the scale is different, but also by virtue of the distance from the runway, and the existing and proposed landscaping this scheme was considered acceptable. It simply reinforces why applications are required to be considered on their own merits.

- 2.11 The consultation responses refer to a second holiday lodge complex. Planning permission 18/00662/MFUL was granted earlier this year for a scheme of 29 timber clad static holiday units, some Members will recall it was approved by Committee on the 16 April 2019. Members will be aware that they are required to consider each proposal its own, site- specific, merits in accordance with the Policies of the adopted Development Plan, and taking account of all relevant material considerations. This other scheme also reduced the number of lodges, to less than 50%, from what was originally applied for and also was able to respond to site specific issues raised. This scheme is considered in relation to this application and considered in the relevant sections of the report. Members will be aware that they are unable to decline determination on the basis of how another approved site is delivered or its level of ‘success’ (see Parish Council responses).

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 have been 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.
This deed of variation is not yet signed, but it is lodged with the Council.

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 Plan - Local Plan Strategy (2013)

The Policies Map (2019)

The Ryedale Plan- Local Plan Sites Document (2019)

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

(The Ryedale Plan- Local Plan Sites Document (adopted June 2019) 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', and 104 'Promoting Sustainable Transport'.
National Planning Practice Guidance
The Natural Environment and Rural Communities Act 2006 s.40.

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. This application was first consulted upon 17 July 2018 has been the subject of five re-consultations:

- 24 October 2018
- 19 December 2018
- 9 April 2019 and 29 April 2019 (the latter was required as a key document was inadvertently not publically available)
- 11 June 2019
- 16 December 2019

5.2 Wombleton Parish Council have sustained their objections to the proposal, in summary these were reported in the December 2018 Planning Committee Report:

- 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.

The consultation response received 7 May 2019 stated:

Object for the same reasons as given in December 2018. In addition, the Council would like to permanently object to this application until such time as it has been deemed that the sister application for 29 units which has been granted proves to be a success and that further units are actually necessary.

The most recent response of the Parish council was received on the 18 June 2019: Please note that our comments made in our last submission remain unchanged. They have no responded to the most recent re-consultation. It may be that there is response is provided as a late paper.

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

In summary, the responses are concerned with, 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 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 taxing- 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 CO₂ 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 Initial 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. Since the writing of the report a further consultee notification has been returned from a property of the same name in Muscotes, Nunnington addressed to Mr P Tipping, Sunley Court Farm, Hungerhill Lane, Wombleton YO62 7RY. This latter address also does not exist.

5.6 In response to the initial revisions to the plans as stated in the 24 October re-consultation:

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 Wombledon 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 Wombledon, building a footpath on Hungerhill Lane to the junction to Wash Beck Lane, does not go all the way into Wombledon what are the wheel chairs uses and children going to do, walk on the road into Wombledon, 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 Dr. Stewart Slater (Director of Petrateg who owns half of runway 17/35) made a representation which was read out at the December 2018 Committee, in summary it stated:

- The applicant has a long-standing awareness of our flying operations;
- We have made complaints to him and to the Local Planning authority regarding the issues regarding aviation safety as a result of the bund, planting and runway obstructions;
- Runway 17/35 is shown on official aeronautical charts – and I have arranging for a warning to be placed in Pooley's UK Flight Guide;
- It is a private airstrip which has been used for almost 50 years.
- The bund and planting at the northern threshold should be subject to enforcement proceedings for its removal – irrespective of any contravention of the Air Navigation Order 2016.

5.8 Representations by the owners/operators of runway 17/35 made since the application was previously brought to Members:

- As owner of much of the adjacent airfield, aviation safety is of paramount importance;
- Note that the footpath has been dropped;
- The plan still retains chalets at the north wester threshold of my neighbour's runway 17/35, as does the earth bund and planting;
- I and my leaseholders have rights to use runway 17, an approval would see the retention of the earth bund, trees and four chalets directly in line with the approach to the runway17. A pilot experiencing engine failure, unexpected downdraft or very slight misjudgement could result in multiple fatalities;
- This is not the better informed re-application I had hoped for, and my objection to it

therefore remains.

- My company (Petratek) owning Wombleton aerodrome (North), as has always been the case since 1972, does not engage in commercial flying or similar aviation services. It is a property company which rents the aerodrome to other entities for aviation activities.
- For the last few years the arrangement has been with a local group of pilots for private leisure and mandatory pilot continuity flying organised by a lead pilot and there is one aircraft permanently based in our hangar.
- Immediately prior to the construction of the obstructive bund there were five pilots but as a result of the danger created three have subsequently resigned leaving two - the lead pilot and an ex Royal Navy pilot. With further obstructive developments, particularly growth of the willow trees forming part of the bund, the last flight from our aerodrome was 26 June 2018 when the ex- RN pilot, who has great skill and experience, declared that it was too dangerous. Use of our property has thus been effectively closed down by the obstructive actions of the applicant and these actions are, as previously explained, potentially serious offences for which proof of intent or motive is not required.
- Our aerodrome is unlicensed which, as it is only for private use with no commercial activity, is in order and not under the auspices of the CAA except, importantly, as regards general aviation law and flying rules where of course the close proximity, siting and use of proposed holiday units are highly relevant. Our legitimate interests, including importantly the relevant proximity of the application area to our runway 17/35 and our established aircraft hangarage operation, are incompatible with holiday chalets and have been ignored both in actions and the application. Until relatively recently the previous owner of the applicant land and an adjacent parallel runway area kept an aircraft on the Northern side totally independently of our interests.
- Our aerodrome has been documented in the authoritative Pooleys UK Flight Guide for decades with runway 17/35 clearly depicted. Quarterly updates for this comprehensive Guide are available. During 2018 I had a warning of the various obstructions to 17/35 added. Fortunately now a copy of the latest edition of the Wombleton plate (due to permission from the copyright holder, Mr Robert Pooley) has been supplied for study by the Committee. It now has the 17/35 numbers added in view of the recent confusion over runway designation and direction. This plate usefully and comprehensively clarifies both aspects of our Northern interests and the separate Swift aviation activity at Wombleton South.

5.9 Regarding the December 2018 re-consultation, this related to the submitted material on the date the December planning committee agenda was finalised. The 7 respondents were in objection:

- The footpath to the village will not be suitable due to the speed and narrow bends – families will be on the road- Members should walk it;
- The fence will prevent a right of access for the owner of the potato store;
- The planting and its height raises aviation safety issues;
- The previous application was of a scale and nature that is not comparable to this scheme;
- The runway is not abandoned;
- The airfield has a long-established WW2 historic value;
- Wildlife would have been in hibernation;
- The other scheme on the other side has expired
- Our site has a range of wildlife

- Concerned about the visual impact of the acoustic screen, and the time it would take for the vegetation to screen it is not appropriate for a rural area;
- Enforce against the contaminated bund;
- Too big for the village, not fitting for the local area;
- The proposed changes to improve aviation safety are contrary to the water storage containers;
- Criticisms of the WPAC report as did not visit the site, nor properly engage with the aerodrome owners/operators;
- The noise assessment has been unable to factor in aviation noise, and the operation of the potato store;
- The northern part of the site was a wetland, with a range of ecology, the drainage ditches have caused this to be lost;
- Wombleton is a small village with limited accessibility;
- Please consider our previous objections;
- As a keen birdwatcher I have noticed the decline in bird life and habitat in this area; and the ecological survey was undertaken in November;
- The electricity supply needs to be grounded- and conditioned as such
- A survey of all holiday lodge parks should be undertaken to establish if there is a need;
- The repeated deferment of the application, additional information has caused inconvenience and is substantially different to the application previously brought to committee – the Council should be mindful of due process and concerned as to whether any decision eventually made may be open to challenge by judicial review or a charge of maladministration;

An adjacent landowner and operator (Mr Eden Blyth) his comments are summarised:

- Objects to the application- as an owner of much of the adjacent airfield and I have a longstanding right to taxi over, fly from and land on 17/35;
- Disappointed that the obstructions have not been removed;
- Trees too close to the runway bring turbulence
- The wildflower meadow will be attractive to users of the lodges, for tents and picnics
- The Applicant's own aviation report has concluded that the lodges are incompatible with an aviation use
- Could an article 4 Conservation Area direction be used to control development?
- The WPAC report erroneously said that the owner of runways 04/22 and 10/28 has not objected- I am that person- and have objected;
- The runway is in Pooley' Guide;
- The runway 17/35 is an aerodrome and it is not abandoned;
- The runway is suitable in an emergency- and a pilot won't have the luxury of time or choice

The adjacent landowner- and operator (Dr. Slater) responded to the aviation report commissioned by the applicant, and this is discussed within the context of matters of aviation safety. His comments are summarised:

- The presence of the lodges necessitates a higher standard than CAP 793;
- The notations refer to land which is outside of the red outline;
- Refers to the water containers and their hazard to aviation and frustrate ability to make an accord;

- The safety implications regarding the bunding fence and trees are obvious and whilst some of this has been removed it is insufficient in width to give sufficient safe clearance;
- 12 Chalets have been removed from the north of the site, but three remain vulnerable;
- The containers are a safety issue which the LPA should take into account as an increased risk factor;
- The aerodrome is not abandoned, and certain operations have ceased due to safety issues; other types of plane could still use the runway in its present state;
- We have looked to see an agreement is made; but it's not possible;
- Aerodromes have specific characteristics which should be taken into account when considering development proposals- and not the other way round;
- The lodges represent a significant amount of human occupation;
- The application should be refused and enforcement proceedings instigated to remove the 55 metres of bund at the northern end of runway 17/35;
- Criticisms of the WPAC aviation report:
 - The runway is not disused;
 - It is private, not publicised, but it is in Pooley's Flight Guide- which is a well-regarding, widely used reference;
 - The writer did not visit the site, no photos provided, and relied on information supplied by his client;
 - Our concrete is inspected before flying, and has been worsened by the activities of the applicant (soil bunding);
 - There is no boundary fence, there is the water containers;
 - Longstanding planning permission;
 - I authorise planes of a size commensurate with the width of the runway- in accordance with CAP 793;
 - There is Wombleton Aerodrome North (17/35) and South (04/22);
 - The white crosses are misleading and in the wrong place (undertaken by the applicant)
 - There is a public interest issues in respect of safety;
 - Wombleton could be required in emergencies;
 - The report writer sees the use of the runway and the lodge park as incompatible- therefore given it is not abandoned, then it should be refused

5.10 Regarding the April 2019 re-consultation seven consultees responded in objection and made the following comments:

- Previous objections remain relevant;
- The act of closing off the potato store to the aerodrome will mean farm vehicles will pass the village and common lane, when there will be more pedestrians to start with;
- The owner has a legal right of passage;
- The road path is not safe- additional traffic and narrow blind bends;
- The remaining lodges are in a dangerous location;
- The trees in the existing bunding should be removed;
- Loss of plantation trees; loss of biodiversity and amenity
- Noise still experienced from the store such as reversing alarms even if the store can be made quieter;
- The noise generated also vibrates and resonates across the whole airfield;

- Note the removal of the acoustic fence- and the s.106 but that doesn't prevent general aviation noise or vehicles on the store site;
- Please see the planning appeal history due to the loss of biodiversity and amenity as a result of the loss of trees (appeals in 2009 for the wood pellet scheme)
- The access (implemented) is shabby;
- Ryedale District Council has a 5 year land supply (which can include park homes). why is more development being considered since some have already been approved;
- Tourists come here to enjoy the space and peaceful aspects of rural countryside;
- Too much development will ruin it for everyone;
- What is the need for these lodges?;
- There is too many proposed;
- The locality cannot cope with the proposed development- the increase traffic, the blind bends with large farm vehicles;
- The proposals to the roads will have an unacceptably urbanising of our pleasant rural village;
- Harm to local wildlife – with the impacts on the trees;
- How can retrospective permission be given for something that is already in place- is it an inevitable outcome of the application or arrogance?;
- What about the parking and lack of footpaths in Wombleton/
- Page lane is narrow and dangerous;
- Light pollution is bound to occur
- Employment? Much is short term, or low pay (cleaning)
- No positive benefits and potentially dangerous outcomes;
- No benefits for the residents of Wombleton- reference to the other site (refers to 125 units)

Dr. Slater's response- summarised:

- CAP 793 is for guidance and should not be used as an authority by other land uses to validate their proposals;
- Our aerodrome exists and has been established without restrictions for many years- the application has not;
- CAP 793 refers to aerodrome hazards and obstacles, chalets are more than obstacles, they are for human habitation – raise issues of public safety;
- The water tanks are a civil matter, but they raise issues of public safety in relation to their presence in relation to the proposed holiday chalets
- The use is longstanding under a planning permission;
- CAP 793 is not intended to provide guidance for the insertion of a holiday park (or other use) into an unlicensed aerodrome;
- CAP 793 in its section on low flying which describes and restricts flying close to 'congested areas' which are legally defined in aviation law as 'in relation to a city town or settlement, any area which is substantially used for residential, industrial, commercial or recreational purpose. The group of 50 holiday chalets is akin to such an area;
- The chalets are for human occupation; and enhanced risk, and risk that is being introduced which is currently not present;
- There is no proportionate increase in safe distance for commercial aviation and light aircraft, due to the greater risks of turbulence to smaller planes. Current chalets are too close at c. 50 metres.

- The water containers are an aviation hazard; potentially an offence of the Air Navigation Order 2016 Article 240; temporarily increased in height; they are creating an adverse safety situation and this should not be ignored in the context of the application.
- Any boundaries should be frangible
- In reference to ‘no obstacles of more than 2m’ is still too high and represents an obstruction;
- We have suspended operations, but the aerodrome is not abandoned and could be used by alternative craft, but an aircraft is trapped in the hangar;
- The chalets could be occupied by children who could wander onto the site with bikes etc
- This proposal should be refused, and the bunding removed to a distance of 55m as per the submitted plans revisions D and E at both ends of the runway

Mr E Blyth’s response summarised:

- My objections still stand, the fact that the obstructions remain shows that the applicant does not have sufficient awareness of aviation safety issues to be allowed the development in its proposed form.

5.11 Dr. Slater also submitted the transcript of a question to the Prime Minister on the 27 March 2019 regarding the determination of the application and Council Policy in general on the 8 April 2019.

It refers to an unlicensed airfield Eshott, and a dispute is threatening aviation safety but the CAA will not intervene. He considers there is parallels with Wombledon. The Prime Ministers response was that, in summary, aviation safety is paramount; and that the issue has been raised with the aviation minister; and we are hoping for a positive solution to all parties involved, and that CAA has been in contact with all parties involved.

5.12 Seven consultees responded in support and made the following comments:

- Meet policy objectives and rejuvenate a derelict area;
- Creation of employment;
- Increased tourism and associated benefits;
- Understand the area is zoned for leisure- why zone it then not support it?;
- The lodges will blend in;
- Can cycle in the area, without having to use the car;
- Provides an alternative to farming;
- Meets both local and parish plans;
- Keep Yorkshire as a major tourist destination;
- Bring more commercial interests into the area;
- Would love have more choice in where we stay

5.13 Regarding the 11 June 2019 re-consultation, the following comments received from one consultation response:

- Access across the site remains a serious concern- noting that it is a civil matter, if the access is retained, there will be large farm vehicles crossing the road which runs between the two sites- which could harm those using the road- and the alternative is to the roads via the village or common lane;
- objections to the scheme still stand;
- Responses have also been received from the two owners: Dr. Slater (three responses) and Mr E Blyth. These pertain to aviation safety and are considered in the section on aviation safety. The applicant has responded to the representations of Dr. Slater, describing them as civil matters and this is discussed within the report.

5.14 Responses were received by the Local Planning Authority after the publication of the 13 August Planning Committee. These were provided to Members as Late Papers. They were from Dr. Slater, raising concerns about, in essence, the lack of ability to deliver a CAP168 compliant runway due to the inability to ensure no vertical obstructions via condition. With the other responses being in support of the application (Submissions from a Mr David Bingham). These documents are viewable on the documentation for that committee meeting.

5.15 After the committee a series of representations were received. Those, representations are provided in summary below:

- Provision of the updated, revised Pooleys insert
- Supporting documentation about the ownership of land (applicant)
- Supporting documentation concerning the position of development relative to other aerodromes- photos- provided by the applicant.
- A response to the submission of those submissions by Dr. Slater, owner and operator of the operational component of runway 17/35- those examples are not comparable.
- Information and drawings on the matter of Aerodrome Safeguarding with technical information regarding terminology regarding what is the 'runway strip' 'Obstacle Limitation Surface' and 'Transitional Slope'. From Dr. Slater.
- Response by Dr. Slater to rebut comments made by Mr Bingham (the late paper on committee) regarding the operation of runway 17/35
- Response by Mr Blyth to rebut the comments made by Mr Bingham regarding the operation of runway 17/35
- Submission from local resident of photos and covering letter to the Local Lead Flood Authority concerning surface water flooding on site and adjacent land.
- Response from Vale of Pickering IBD, via the Applicant, concerning the surface water, and the reasons for it being there (blockage of a ditch through an unauthorised obstruction)

5.16 In response to the 16 December 2019 consultation the following 4 responses have been received covering the following issues:

- Concerns about the lack of clarity of the plans- Officers checked it and could find no issues with the functionality of the plans and their resolution.

- Paragraph 6.88 of the report sets out the concerns around aviation safety and nothing had changed.
 - The Applicant's report by Northpoint Aviation Services should not carry more weight than the independent report.
 - Noise mitigation, the recommendation to limit noise levels to 50db (day and 40 db (night) is welcomed- however the suggested acoustic screen would need to be installed and tested and proved to be effective prior to the site development.
 - Additional landscaping is welcomed- but there would need to be remediation of the hedgerow adjacent to Hungerhill Lane.
 - Highways- no safe pedestrian routes between the site and Wembleton. A similar approach with conditions is required to application 18/00580/MFUL (The consultee was perhaps referring to the other application 18/00662/MFUL)
 - Consideration should also be given to the noise of aircrafts taking off and landing so near to the proposed site even though the lodges have now been set back.
 - The inconsiderate and deliberate placing of water butts down the centre of the runway has stopped legitimate use of the runway thereby interfering with the safe operation of a local business. This is therefore a definite conflict of use.
 - The proposed acoustic screen should be in place and proved to meet the required standards according to the Environmental Health Officer before any site works begin. Does the EHO have experience of this type of barrier and its proven efficiency?
 - We strongly urge members to walk the suggested routes into Wembleton village from the site. They are dangerous!
 - Officers last committee report 16/07/19 which recommended refusal. There are three significant paragraphs detailing the reasons for this recommendation. Although more changes have been submitted, they are still contrary to Policy SP20 - Generic Development Management Issues of the Adopted Ryedale Plan Local Plan Strategy therefore these reasons are still relevant.
-
- I wish all my previous concerns to be taken into consideration
 - In response to photos of nearby touring caravan parks three of which were of Wembleton Caravan Park, Photo one was taken within the park's private entrance these caravans are not visible from the public road, Two and three were taken from Moorsfields Lane, the park is situated at the end of Moorsfield lane with no through access, the caravans are visible within a short period of time when the foliage starts to die back, the caravans are then taken off park for four months between November and March this eliminates any visual impact.
 - Unlike caravans, lodges cannot be moved, the plans show the lodges situated between live active runways and Hungerhills lane a busy through road between Wembleton and Nunnington so extra screening is vital with additional planting to replace the trees already removed and also the hedgerows reinstated.
 - The acoustic fence would add to screening if this application is approved it should already be in place and proved to meet the required regulations before any other development is carried out to ensure the public will not be subjected to the noise and visual impact of an operational potato store.
 - Additional photos of airfields are irrelevant the only airfield the planners and committee are deciding upon is Wembleton. This active airfield and runways are frequently used for aerobatic practices; it is also used for maintenance and repairs as well as

recreational use

- Ryedale Planning department aviation report by York Aviation covers the public safety aspect for the proposed holiday park, The applicant also had an independent report by Northpoint neither reports describe the activities and the nature of this airfield, two runways are next to this proposed site but the activities are above the runways a main health and safety issue.
 - When on the site visit I hope the Committee members not only looked at the location of the site and what impact it would have on the area but also at the access to the site from Wombledon
 - To walk to the village would be a public health and safety concern. Hungerhills lane as a series of blind bends with the national speed limit 60mph, the proposed path from the site stops at the junction to Welburn leaving the public walking on this main road negotiating around these narrow blind bends.
- 5.17 The statutory responses are summarised on the front sheet, and specifically referred to in the report.
- 5.18 In reading the consultee representations in detail, Members will be aware that some responses make reference to various civil matters which cannot be part of the consideration of the application. These 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. References were made to the potential for an Article 4 Direction for controlling the land uses on the runway- Article 4 directions remove 'permitted development' rights, more often in Conservation Areas, but can also for 'permitted' changes of use. However, the water containers are not development, nor a change of use, and are a civil matter. As such, the use of an Article 4 direction would not create any more control than the existing system of conditional planning permission for a change of use of the land, or any operational development. The ability to control such matters is considered in the report in relation to aviation safeguarding.
- 5.19 Whilst the consideration of this application has been a very protracted one, the Local Planning Authority have considered this application in accordance with their obligations in a positive and proactive manner. The LPA cannot decline to determine an application because it has changed, or raises issues, or has been the subject of a series of consultations to afford interested parties the ability to respond to the proposal which is of considerable complexity and sensitivity. The LPA can only require a fresh application if there are very substantial changes, these involve the material expanding of the red outline or a different proposal i.e. in terms of the use. This is to ensure that no party who has an interest is prejudiced. Whilst the application has been modified the following remains clear: the red outline has not changed and the proposed use of the land has not changed. At each stage the application has been the subject of consultation, regarding the revisions. It is ultimately the merits of a proposal which have to be taken into account in the determination of the application.

6.0 APPRAISAL:

6.1 The main considerations to be taken into account are:

- i) Principle of the Development
- ii) Key Site- Specific sensitivities:
 - Aviation safety
 - Amenity Matters (noise in particular)
- iii) Other Site- Specific Considerations:
 - Impact on Highways, Access implications for Pedestrians and Cyclists
 - Landscape Impacts Incorporating Layout and Design
 - Flood Risk, Foul and Surface Water Management
 - Ecology
- iv) Wider Considerations
 - Economic benefits
 - Crime
 - Heritage
 - Impacts on Land and Air
- v) Conclusions

i) Principle of the Development

6.2 The site is not allocated in the Development Plan for tourist development, and the principle for the development of the site is not established by the Development Plan. The Development Plan does not make any specific allocations for tourist development of this nature. The principle of development would, however, 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 for 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 therefore 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 as it is not a material planning consideration. Nor are they able to decline to determine an application or refuse it until another development in the general location is judged to be a ‘success’ (parish Council’s additional representation in May 2018). Such an approach goes beyond the scope of the legal powers afforded to Local Planning Authorities, as it is not a material planning consideration. Members must consider whether the proposal accords with the Development Plan or not, and whether there are there material considerations which warrant a departure from the Development Plan. A report commissioned by the applicant has stated that need for this type of accommodation is not clear to establish, but indicates that 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 adopted Development Plan. It is 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. Planning permission has 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 schemes would not have materially significant impact on the character of the wider area. The other planning application 18/00662/MFUL has been approved, albeit on a smaller scale than originally proposed.

6.9 Any other use, such as residential (sometimes referred to a Park Home scheme), 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) **Key Site-Specific Considerations:**

6.10 There are two key areas of sensitivity which relate to aviation operations and noise.

Both these aspects result from pre-existing land uses adjacent to the site. It is of fundamental importance that a) those uses are not ultimately prejudiced by the development, and b) the general amenity and safety of occupants is upheld.

Aviation Safety- safeguarding

- 6.11 The airfield at Wombleton is not a commercial aerodrome, but a general, unlicensed aerodrome. The Civil Aviation Authority, therefore, have made no response to the application (although they were formally consulted). Much discussion (particularly earlier in the application timeline- but also prior to the last Planning Committee) has focused on the ‘legality’ of such aviation operations. The site is immediately adjacent to a runway (17/35) which is (whilst temporarily inactive) identified by the LPA as the lawful use. This has been reported and evidenced by the owners and users of the runway and a number of local residents. The lawful use as an aerodrome has been long-established, having had permission to fly since 1972, when the runway from WWII was reinstated, with the construction of a hangar for two light craft. There are two main runways in operation, and on the Officer’s site visit a plane took off from the neighbouring, southern runway. Ownership of runway 17/35 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. The Aerodrome, and the runway subject to these discussions is identified in Pooley’s Flight Guide, and has been amended to reflect the current obstructions and generally updated. Both the York Aviation and the Northpoint Aviation Reports, whilst noting the runway is in need of some maintenance, agree that the runway is in operation, and its use needs to be properly considered in relation changes in adjacent land use.
- 6.12 The NPPF makes specific reference to aviation in paragraph 104 (f) of the NPPF *“recognise the importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time – taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government’s General Aviation Strategy”*. This statement is made within the context of planning policy. However this general context of placing due regard on such facilities is ultimately expressed through Policy SP20 of the Ryedale Local Plan- Local Plan Strategy, which is concerned with the need to ensure no adverse impacts on the operation of adjacent lands uses, in this instance a general aerodrome.
- 6.13 The owner/operator of the runway’s responses reflect the fact that until activities (the creation of the bund and siting of water containers) took place on and round the runway which they state has made the runway unsafe, they had been safely and legitimately flying. Five pilots used the site initially, although three have since resigned. Because of the private nature of the enterprise, there is limited public documentation, but it is within Pooley’s Flight Guide, and it is capable of being used in an emergency (subject to being appropriate for the size of plane).
- 6.14 The Civil Aviation Authority do produce guidance in respect of safeguarding the safe operation of unlicensed and licensed aerodromes. CAA guidance CAP793 sets out the process to undertake safeguarding for unlicensed aerodromes. 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 occurred for the most part through the consideration of this application, as opposed to a stand-alone exercise. It is to be expected that this discussion will continue post determination of this application, on the basis that safeguarding considerations to date have not yet considered the land to the west of runway 17/35.

- 6.15 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 series of maps have been supplied to the LPA by the operator/owner (Dr. Slater) which show the extent of the operational runway, taxiing area and hangar, and also diagrams and descriptions to explain the role of different 'zones of space' around the operational runway. These have informed the measures required for implementation of an aviation safety plan.
- 6.16 The type of planes which are permitted to fly are of a size and weight which are suitable for the size of the runway, in accordance with established guidance (CAP 793), and this is concurred with York Aviation.
- 6.17 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 stating that they are unable to fly their current planes. The bunding, planting and containers have been undertaken as a precursor to the application, and Officers consider that it is probable that they were undertaken to support the application. The owner of the runway 17/35 has set out clearly the safety implications with these elements, and the York Aviation Report concurs that the water containers represent a dangerous obstruction. 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 after some considerable time, it is now before Members for a final decision.
- 6.18 As a starting point, it is necessary to understand what the Civil Aviation Authority consider are safe parameters for flying operations, and some key terminology which is used by the technical advisors and Dr. Slater as the owner/operator of runway 17/35. Key technical documents are CAA CAP 793 which is concerned with operation of unlicensed runways and CAA CAP 168 which is concerned with the operation of licenced runways, and which therefore requires a greater degree of compliance, but can be used to assess non-licensed runways. The areas of principle focus are around the runway itself, as take-off and landing are the most critical elements of a flight.

Key terms are:

- The Runway – self explanatory
- Runway Strip- the immediate area to either side of the runway- must be a certain width and kept free of any vertical obstructions. It also extends, notionally, 30m from the ends of the runway. This is also known as ‘the Approach Surface’ or APPS.
- The Transitional Slope of the Obstacle Limitation Surface (TOLS), is a non-physical boundary. It starts at the outer side edge of each Runway Strip, and represents a 1:5 rising slope within which no obstacle is allowed to be higher than (penetrate) that level.

All must link seamlessly, this represents a sort of “basket” in which a plane is reasonably expected to have unimpeded passage to land in a safe manner.

Other key aspects are the formation of a 30° sector to either side of the centre point of the runway, to be kept free of all vertical obstructions of any circumstance. This is identified at either end of the runway.

- 6.19 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 existing neighbouring 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. Therefore, the proposal needs to be considered in the context of the flying operations for both the safety of the users of the runway and the occupants of the lodge scheme.
- 6.20 It was clear that the proposed development, as originally submitted, would have an adverse impact on the safe operation of the runway for all parties. The layout of the lodges was not only adjacent to the site, but was orientated in a manner which would directly affect the take-off and landing activity, at the northernmost end of the run way. There were also safety implications for children and animals who may stray on to the runway (even if fences were proposed). However, during the scheme’s consideration iterative significant changes to the layout resulting in the layout in the penultimate iteration (presented at the 13 August Committee 2019) the layout (in terms of distances from runway) is as it is now proposed to address concerns surrounding aviation safety.
- 6.21 The Council commissioned its own independent aviation safety technical note by York Aviation in order to give Members the opportunity to understand to what extent the proposed lodge scheme would create an adverse impact on safe operations of the runway. A site visit was conducted by York Aviation on the 9 May 2019. Therefore the technical note is made on the plans which were submitted in April 2019 (and which have since undergone further discussion and revision in response to that report). In summary it concluded that the landscaping needed to set back further into the site; that the ecological enhancements should be of a nature which did not undermine aviation

safety to both runway 17/35 and the runway of 04/22 particularly in relation to birds; the control of construction practices to ensure no dust/obstructions and publicity regarding use of cranes.

They make the following conclusions:

- Provided the area immediately to the east of runway 17/35 as shown on drawing WA-HL-1.1 Revision E is kept completely clear of obstacles including any form of ownership boundary fence it will serve as a suitable width of runway strip.
- Provisions on drawing WA-HL -1.1 Revision E at the runway end for removal of the bund and wildflower planting in the adjacent field are considered adequate for allowing safe landings and take off. This assumes again that no form of fence or vertical obstacles are placed along the red line boundary running around the end of Runway 17/35 i.e. the 30° segment either side of the runway centre line.
- Consideration of the landscaping and planting of shrubs and trees on the site is required in the context of the transitional slope of the Obstacle Limitation Surface. The developer must demonstrate that major hedgerow and tree planting will not now or in the future create obstacles that propose a significant threat to landing aircraft.
- Further landscaping consideration should be given to wildlife attraction that could pose a similar threat to aircraft landing or taking off for example planting that provides a new habitat for large or flocking birds closer to the runways at Wombledon than is currently the case.
- We would lastly note that while it is acknowledged that building dwellings* within approximately 50 m of a runway is for many reasons not advisable, in this case it does not conflict with any CAA guidance of compliance requirements of CAP 793 or CAP168. Any potential issues relating to noise or safety in this regard are beyond the scope of this report and would require significant further assessment.

* the lodges are not dwellings in a planning sense, but they would be capable of being occupied by persons for 24/7- used for sleeping, eating and generally residing.

6.22 The technical findings of the report have not been disputed by Dr. Slater. The application was then revised to take account of the advice set out in York Aviation's Report relating to technical requirements. However, the last bullet point was an area of contention, given that it said that it was not advisable to have lodges in close proximity to the runway. The report, does however, confirm that providing certain changes were made, the ability to achieve a CAP 793 and 168 runway was achievable. This is echoed in the report produced by Northpoint Aviation Services.

6.23 There continues to be a civil dispute between the applicant and the owner/operator of runway 17/35 regarding the matter of liability. The water containers previously mentioned have been a longstanding part of this dispute. Whilst this is no doubt frustrating for the operator of runway 17/35, (and they view it a public safety concern), this is a civil matter. The water containers are not operational development nor a change of use, and this is therefore also not a material planning consideration concerning the merits of the application. In conclusion, this a matter that the Local Planning Authority has no legal basis to take enforcement action against at the present time. However, this is capable of becoming an enforcement matter, if the area under which they are positioned becomes part of an area of land which is to be kept clear of obstructions via a condition on any planning permission.

6.24 Dr. Slater responded on the 26 June 2019, and included a plan which shows the plan of approach surface (APPS). When this is compared to the approach of the applicant, the latter covers a wider area. To the south, the APPS is also retained. His comments are summarised as follows:

- We put forward that the relevant CAP 168 criteria for the approach surface (APPS) should also be adopted for landing- and new notation on revision G accepts this;
- Note an error on the plans should be corrected to CAP168
- CAP 168 APPS gives absolute figures which, in conjunction with a survey allows precise ascertainment of the 'surface' which must not be penetrated by any structure or object.
- The APPS Plan submitted is prepared according to the relevant diagram in CAP 168, this takes into account that 17/35 is treated as a Code 1A licenced runway which is wider than the 18 metre minimum. The slope of the surface is 1:20. There is a horizontal section of 30 metres at the end of the slope down along the landing threshold (start of the concrete and within our ownership)
- Take off needs to ensure that in the event of a failed take off there are also no obstructions, or risks presents by persons in area of at least 2no. 30⁰ sectors, partly address this issue as does the removal of the bund
- Needs to be effective notation requiring no vertical obstructions or obstacles including structures, trees, fences or moveable objects in the area shown as mown grassland.
- Seek the removal of the water containers- York Aviation report states that they must be removed. They should be removed as they are dangerous and threaten our business. The applicant should rectify the position to warrant a grant of permission for the development.
- Signage is needed at points where access to the runway and its environs is a possibility- such as where the gate is to provide access to the potato store.
- We still subscribe to the view that the proposal conflicts with local environmental and other factors, but appreciate the applicant is entitled to seek benefit from his purchase, but the current position could have been reached much earlier with greatly reduced effort and much less cost and no damage to our business with a different approach.
- Despite the serious effect on our business, we still have local pilots interested in the future of aerodrome, including a proposal for a second aircraft to be based in the hangar.

6.25 The owners of the runway (Dr. Slater and Mr Eden Blyth – who owns the southern runway) have made further representations objecting to the planning application:

Summarised comments here:

- Can a condition be imposed which ensures that areas to be kept free of obstruction are indeed be kept free- to avoid incremental development or that which can take place under 'permitted development' rights (such as temporary siting for tents);
- Also that such areas are not publically accessible;
- The applicant has removed the buildings from the north, but not from the south
- No building is allowed anywhere between the proposed access road and runway 17/35, with no public access to grassed areas, and no obstructions to be allowed in them
- The guidelines used by the consultants are a minimum, and the application of such minima do not take account of the issues light aircraft can have with turbulence caused by buildings – which will contain people.

- Completely unsuitable development to site on an airfield and the developer's best efforts to halt flying there reinforce this.

6.26 Dr. Slater's response made on the 22 July 2019 raised issues of wider aviation safety than his response submitted on the 26 June:

The independent Aviation Report is, as we accept, technically correct and accurately predicts the inadequate level of aviation safety at our aerodrome which would ensue if the adjacent Eastern 'runway strip' was not enforced. There is a manipulation of planning aspects inherent in the application which results in a false concept of adequate aviation safety for the proposed chalet park which is to be sited only a few metres away from our actual runway 17/35. A current abuse is the deliberate placing of moveable aviation hazards on the land immediately adjacent to the application area and bordering our runway 17/35. This tactic should not be accepted. The proposed development will not be safe without permanent protection afforded by an Eastern 'runway strip' for runway 17/35 in accordance with CAA CAP 168 and the advice of York Aviation whatever the ownership or status of the land identified by the consultants to serve as the protective 'strip'.

In short it is manifestly illogical to maintain that, given their close proximity, the proposed chalet park is unaffected if our runway 17/35 is affected.

With the advent of the independent Aviation Report dated 28 May 2019 the application is not sufficiently comprehensive and does not include measures, identified as necessary for aviation safety, to fulfill the criteria for runway 17/35 to achieve, and allow perpetuation of, the standard for a licensed runway according to CAP 168. The vicinity of the aerodrome which includes the proposed chalet park cannot therefore be adequately protected

To expand further, with the publication of the independent Aviation Report in early June and the latest site plan WA HL 1.1 revision G on 21 June there is more changed information to add to the already voluminous case material. From the Report for the first time in these planning proceedings there is expert opinion that there are serious aviation safety issues currently manifest at our aerodrome due to factors affecting the Eastern 'runway strip' area and actions by the applicant which, although of a temporary nature, are outside our control and seemingly intended to persist affecting our aerodrome into the future. Under the present circumstances we cannot predict for how long they will affect our aerodrome or indeed their nature - currently there are the deliberately and dangerously placed water tanks which are the subject of adverse comment in the Report.

Consequently I have concluded and submit that the area in the vicinity of our aerodrome is unsuitable to site the proposed holiday chalet park on the grounds of aviation safety being seriously compromised in the vicinity of our runway 17/35 which would mean unacceptable enhancement of the usual aviation risks to the occupying and visiting public.

There are the expected risks to public safety (eg aircraft malfunction) in situations like this even with normal aerodrome operation but the risks are enhanced in the case of this application by the deliberate placing of aviation hazards. For instance under Conclusions the Report treats the breach of the advisable criterion of 50 m separation

between the runway and building dwellings lightly whereas we believe the Planning Authority should take into account that the application is not just for an odd dwelling or two but for a concentration of dwellings with possibly hundreds of occupants and visitors present in a confined area close to the runway at any one time. Many of the proposed chalets are less than 50m from the runway.

These risks, both normal and those enhanced by deliberate placing of aviation hazards on land adjacent to the application area, include injury and fatality as well as damage to property and fire and include the risks associated with unauthorised intrusions onto the aerodrome. Furthermore such persons would be unaware of the dangers in many cases.

Importantly operators of the chalet park completed as proposed and with the enhanced risks would likely find adequate public liability insurance cover difficult, if not impossible, to obtain.

The independent Aviation Report identifies the criteria for the safe operation of the aerodrome, and particularly the safety of operating from runway 17/35 which is close to the proposed development. Logically it follows that such are the key factors for aviation safety in the vicinity which, evidenced by inclusion in the Report, encompasses the area of the proposed development. Indeed the Report states It is worth noting at this point that CAP 793 recommends the criteria found in CAP 168 be used as guidance for the assessment of safe operation of unlicensed aerodromes. Thus the Report, referring to CAA publications CAP 793 and CAP 186, gives the criteria necessary for runway 17/35 to be of a standard for a licensed runway as given in CAP 168 - in this case a Code IA non-instrument runway for safe operation. These measures focus mainly on obstacles and associated clearances and the Report examines the application and gives details as to the measures that need to be implemented to deliver the licensed runway standard for 17/35. These measures comprise actions affecting both the application area and the land in the ownership of the applicant which significantly includes the area within the blue ownership line but outside the application area and contains a large proportion of the area designated by CAP 168 as the 'runway strip'. This is not part of the runway nor necessarily part of the aerodrome or within it's ownership. The measures are considered in more detail in my attached comments which are intended to address the issues created by the enhanced risks.

Most importantly all the measures would have to be implemented to deliver the licensed runway standard and although, as the Report confirms, 17/35 has the potential for the measures to be implemented it is plain that the application cannot deliver them all.

Consequently I maintain the proposed chalet park is incompatible with our existing aerodrome - mainly on the grounds of inadequate aviation safety being implemented in the vicinity - and urge that therefore application be refused. I submit that the Report demonstrates inadequate aviation safety and that the measures identified by the Report which would ensure aviation safety for and in the vicinity of our runway 17/35 should not be ignored. Aviation safety has many implications for the safety of the public: not just aviators.

In support I am led to understand that the National Planning Policy Framework (as previously expounded in relation to private airstrips in Planning Policy Guideline 13) directs:-

Local Authorities should avoid development at or close to an airport or airfield which is incompatible with any existing or potential aviation operations.

Additionally it should be noted that if the application is consented we could not carry on in the future as we have done safely for the last 48 years. The circumstances for our aviation with a holiday chalet park in the near vicinity would be very different as obviously there will be numerous and unpredictable new challenges when possibly well over a hundred persons will be living near the aerodrome at any one time introducing hazards such as, for example, children on bikes turning up on the runway and the extra skills required of pilots to avoid the risks inherent in flying close to the chalets: especially in windy conditions. The numerous chalets necessarily cover a considerable area thus reducing the chances of avoiding them in an emergency. Therefore we will be precluded from the exercising the type of aviation activity we have legitimately experienced for almost half a century.

Our aerodrome however, even with the prospect of continuing further unwelcome disadvantages, remains a legitimate private unlicensed aerodrome entity under my sole control despite assertions to the contrary.

Whilst I appreciate you understand the issues well I hope the Planning Authority will study the attached comments which are necessarily lengthy to explain the details for the public and interested specialist groups such as the All Party Parliamentary Group for General Aviation.

Ryedale District Council - Planning application 18/00580/MFUL

Comments from Petrateg UK Limited on the significance and impact of the independent Aviation Report on aviation safety at Wombleton dated 28 May 2019 and related matters on the proposed holiday chalet park with respect to public safety and associated risks.

Introduction:- The report commences with the overall brief York Aviation was asked by Ryedale District Council in April 2019 to provide technical advice relating to aviation safety in the context of a major planning application (18/00580/MFUL) for the construction of a number of static holiday cabins on land adjacent to an operational runway at Wombleton Airfield.

1 In considering the application it has to assessed whether the proposed chalet park is appropriately located: in particular whether the proposal is compatible with existing uses of neighbouring land: particularly in the case of aerodrome use. This is expressly referred to in the National Planning Policy Framework (formerly in Planning Policy Guideline 13). The Report, as per the introduction above, is thus highly relevant to ensuring that an acceptable standard for public safety for the occupants and visitors of the proposed chalet park with respect to aviation risks.

2 The use of neighbouring land has been an aerodrome legitimately established and used safely and without incident for over 48 years. In particular the proposed development is very close to or runway 17/35 and the Aviation Report focuses on safety aspects regarding the use of this runway.

3 The proposal for the holiday park needs to be assessed to ascertain whether it is indeed compatible with the established aerodrome, particularly runway 17/35 - not for the aerodrome

to be assessed as to whether it can or cannot fit in with the completed chalet park development proposed. In particular the assessment should consider whether there is adequate public safety.

4 The Aviation Report identifies the present deficiencies and recommends the measures, in many cases quantifying them, which are necessary for adequate aviation safety at the aerodrome and thus logically what is required to deliver the acceptable standard of safety in the vicinity for the public occupying and visitors to the proposed chalet park. These measures encompass neighbouring land, viz that adjacent to runway 17/35 which is owned by the applicant, as well as the application area. These measures cannot be implemented by the application and therefore the application should be refused as the Report overall should not be ignored. The proposed chalet park would be incompatible with the aerodrome on the basis, inter alia, that there are measures to mitigate aviation risks identified by the consultants which cannot be implemented.

5 On examining the content of the Aviation Report with respect to the requirements for aviation safety, Civil Aviation publications had been appropriately considered and in particular the criteria given by publication CAP 168, those for licensed runways, were identified as the necessary measures to be adopted for aviation safety according to the direction in CAP 793.

6 The measures correctly focus on obstacles as hazards to aviation as such would be a major factor for causation of an aviation incident putting the occupants of the proposed chalet park at risk of serious injury or death as well as destruction of property and fire. The measures necessary relevant to obstacles given in the Aviation Report fall into three categories based on 'Obstacle Limitation Surfaces' (the terminology as used in the CAA publications) as described below. These are imaginary surfaces covering specific areas through which no obstacle should penetrate vertically. It should be noted that Obstacle Limitation Surfaces are not necessarily part of the ownership of the aerodrome in question: indeed they are most commonly over land in other ownerships and in the case of major aerodromes/airports stretch for considerable distances.

7 There is the Transitional Obstacle Limitation Surface (TOLS) which is adequately described in the Report. It is a slope which commences at the outer edge of the 'Runway Strip' (an area to the side of the runway and to be distinguished from the runway itself) at ground level and is a surface progressing on an upward slope away from the 'runway strip'. The Aviation Report describes how this surface can be conformed with using height contours and the site plan revision 'G' has recognised this by moving the location of chalets Eastwards and adjusting the location and heights of trees etc. The areas affected by implementing the the TOLS are almost all within the application area. However implementation as inferred by the amended application would only result in a 'floating patch' of protection without an overall specific reference and condition linked to CAP 168.

8 Then there is the Approach Surface (APPS) which, as it infers, protects the area under the approach to land which is also in the application area. This area is referred to in the report and the plan revision 'G' indicates some conformity with this by a notation intended to refer to CAP 168 though mistakenly written as CAP 188 and thus requiring correction. The APPS surface has been the subject of further clarification by the writer in comment dated 26 June 2019 which we submit should be taken account of in a similar fashion to the TOLS above.

9 The third category in the Aviation Report, which again has CAP 168 as the basis (for full details see CAP 168 Chapter 3 para 3.35 et seque), is the 'runway strip'. It is an area extending

laterally from the runway edge and along the long axis of the runway constituting a 'surface' at ground level. The Aviation Report describes it as effectively a safety envelope designed to be clear of obstacles for aircraft safety and continues with a precise calculation of it's extent laterally in the case of runway 17/35 which is 32.4 metres from the runway centreline. The lateral or outside edge of the runway strip is the commencement of the Transitional Obstacle Limitation Surface described above in para 7: the start of the upward sloping surface previously referred to. That portion of the runway strip runway strip to the East of runway 17/35 is mainly in the ownership of the applicant but is outside the application area. This ownership of the runway strip longitudinally does however run at least the whole length of runway 17/35. With respect to obstacles, the runway strip and aviation safety the Aviation Report states:- This obviously means the water containers must be removed and nothing else vertical located along the strip over the full length of the runway.

10 Further the first conclusion in the Report states Provided the area immediately to the east of runway 17/35 as shown on the drawing WA-HL-1.1 Rev E is kept completely clear of obstacles including any form of ownership boundary fence it will serve as a suitable width of runway strip. There is no proposal by the applicant to desist from placing dangerous hazards in the area of the 'runway strip' and persistence of such behaviour constitutes deliberate creation of danger to aircraft and occupants as well as comprising aviation safety in the vicinity.

11 The runway strip, the surface to be free of vertical objects to conform with the criteria given in CAP 168, is totally ignored in the application even subsequent to the Aviation Report (prior to the Aviation Report the 'strip' could be considered as advisory only and as being 25m either side of the runway centreline as given in CAP 793 for an unlicensed runway but as the criteria given CAP 168 was advised as appropriate for safety for Obstacle Limitation Surfaces in this case it follows that CAP 168 is appropriate for the runway strip and this is indeed made clear in the Report).

12 If the runway strip is ignored then, due to the close proximity of runway 17/35, an adequate standard of public safety for the occupants of the chalet park will not be met and a significant chunk of the advice given by the Aviation Report will have been disregarded and therefore the application should be refused. Furthermore we submit the parties involved will not be fulfilling their responsibilities over the issue of public safety in the event of a consent if the runway strip Obstacle Surface is not addressed.

13 It is understood that the rationale to be put forward for disregarding the issue of obstacles in the Eastern runway strip is likely to be that part of the runway strip is outside the application area (essentially most of the Eastern half of the wartime runway) and that therefore the land cannot be the subject of conditions. However, especially with the relatively recent advent of the Aviation Report adding weight to measures for safety and the recent publication of the latest site plan revision 'G', professional advice has been sought. The outcome is an opinion by planning consultants that, whilst indeed the land cannot be conditioned, a section 106 agreement as provided for in planning legislation, plus other solutions, are possible in this case to formalise measures according to the criteria for CAP 168 to cover the runway strip and indeed other relevant Obstacle Limitation surfaces. I cannot see any contradiction of the tests given by the National Planning Policy Framework to preclude a section 106. In view of the simple pattern of the land ownership involved this would not be complicated. Such a measure would ensure an acceptable standard of public safety for the occupants of the proposed chalet park and also contribute to responsibilities being discharged.

14 We respectfully therefore urge the Committee to adopt such a course in the event that they

are minded to grant a consent.

15 It would be perverse in the extreme if the delivery of public safety for the chalet park depended on transient and dangerous hazards to aviation being deliberately placed to deter flying activity and the legitimate use of our aerodrome - especially as placing such hazards is a potential offence as well as being life threatening.

16 Indeed to have an enforced Transitional Obstruction Limitation surface slope starting at ground level directly adjacent to a runway strip (which is in turn necessarily adjacent to the runway itself) which strip has no surface above and is therefore unlimited is an anathema. The idea with the Obstacle Limitation Surfaces around a runway is that they all join up to form one 'blanket' surface. With no runway strip surface the joining up is not possible. Light aircraft travel at around 100 mph in the vicinity of an aerodrome with a capability in all directions and may be deflected by obstacles or the wind so it is futile and almost meaningless to attempt to discriminate between an area with an Obstacle Limitation Surface (eg the TOLS) and an adjacent area without any limitation (eg the Runway Strip) when the distance involved is only a few metres. At 100 mph the time to travel, say, 100 metres, a significant distance when the chalets would be less than 50 metres away, would be just 2.25 seconds. This scientific certainty demonstrates the absurdity of any contention of adequate safety for the proposed development if runway 17/35 is affected.

17 The Report raises the subject of safeguarding. With respect to our unlicensed aerodrome the relevant CAA material is in CAP 793 Chapter 3. As is well documented I directly requested safeguarding with the Planning Authority, as is advised for all aerodrome owners by HM Government, three times (including one request direct to the Head of Planning) but my requests were ignored without even any acknowledgement. If the safeguarding liaison had been established many of the issues in flux at present would likely have been addressed almost a year ago. I consider this is a significant omission by the Ryedale District Council.

18 Similarly I have made requests to the Council for enforcement for removal over the erection of the bund with trees without the necessary planning permission which has contributed to the dangers created and resulted in the aircraft being marooned in the hangar with our pilots deprived of their legitimate right to use the runway for over 18 months. There has been no action over this and no definitive reply from the enforcement office and we have thus been left severely disadvantaged.

6.27 In response to the above statements, Members may wish to note that Dr. Slater has been kept fully involved with the consideration of the application and was invited to meet with the Council. This took place on the 25 January 2019, regarding the extent to which the site would need to be set back to ensure safe operation of the runway. Dr. Slater's representations also stress that compliance with these standards identified above is not currently possible with the water containers in situ, and that the application should not be approved on that basis. However, 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- and a civil matter (such as the water containers) would not be such a matter. 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 have been responded to by the applicant to seek to mutually consider 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 in its broadest sense, and a need to consider the implications of the proposal in accordance with the adopted Development Plan.

6.28 Dr. Slater made a further representation on the 25 July 2019:

I, through my small aerodrome company and the 1972 planning permission, own an established and legitimate runway which does not conflict with the relevant CAA advisory only provisions in document CAP 793. Despite the current disadvantages of interference, which I will seek to have corrected by legal action in the absence of rectification by the perpetrators (the Council may be involved due to enforcement), I can continue with this status of runway if nothing changes in the vicinity. I am satisfied under normal circumstances (ie without the current interferences and with certified aircraft and qualified pilots etc) my runway has sufficient safety for my established use and the onus is on myself as to the prudence of it's use and consequent implications for public liability and insurance. For the 48 years of operation the chances of incurring such liability have been minimal.

Indeed under CAP 793 runway 17/35 could be currently and prudently used for certain small aircraft.

The applicant, Mr Gordon (Herbert), seeks permission for a chalet park partly adjacent and with the remainder in the close vicinity of my runway 17/35. This raises aviation safety issues as, especially with a significant public presence near runway 17/35, maintaining aviation safety is important for adequate public safety. The public is affected by aviation safety issues as well as aviators. The independent Aviation Report expressly states at the commencement that the Report is relating to aviation safety in the context of the major application and repeatedly emphasises that the aim of the report is to assess the requirements of runway 17/35 use for safe operation. The specific requirements necessary for the runway and it's environs for aviation safety are explained in the Report and are those which are necessary for a runway to be licensed (Code 1A non-instrument) as specified in CAA compliance standards document CAP 168. In other words if my runway 17/35 is not made CAP 168 compliant with the same standards as for a licensed runway I cannot operate safely as per the CAA standards and this situation conflicts with the proposed chalet park.

Therefore the application is incompatible with my aerodrome and I firmly believe it should be refused if it goes to decision. The proposed development completed as per the application could not be safe as is the clear outcome from the Aviation Report.

It is not my responsibility to create the equivalent of the higher Code 1A runway from my existing runway to satisfy the requirements nor can I be forced to adopt one. I can legally continue with the status quo. For Mr Herbert to develop a chalet park then he will have to facilitate my runway being re-classified to the equivalent of a Code 1A licensed runway for compatibility of the proposed chalet park with my aerodrome. Notably only his involvement with his land and the appropriate planning matters need consideration by him to effect re-classification by completing the Eastern 'runway strip' as per the Report and CAP 168. No action or construction is necessary by myself. Indeed possibly fortunately for Mr Gordon (Herbert) my runway has the capacity for this. Furthermore the CAP 168 Code 1A standard would have to be subject to enforcing conditions or agreements affecting Mr Herbert's interest for which I could not be made responsible for either.

Furthermore if the Council grants consent on the current application as it stands, which application is not competent to deliver to the necessary CAP 168 Code 1A compliance standard, then the status of my runway 17/35 will have been changed to one that does not have the requirements for safe operation and, in the context of the application, disadvantageous and burdensome consequences would devolve involuntarily onto myself as a result of the completed development. In view of the large public presence living close by and spread densely over a wide area I would, inter alia, be exposed to potential significant public liability claims in the event of an incident for which I probably would not be able to obtain insurance. Lawyers and the Courts would condemn and penalise me for not operating safely and I would likely have little alternative except to have to cease operations to avoid this situation as I would likely be liable for not acting safely whatever the circumstances of an incident.

Under such circumstances I consider I would have a strong cause of complaint for legal actions against the Council and individuals: effectively a course to a chalet park in the vicinity without the protection of a CAP 168 compliant runway 17/35 would also preclude me from exercising benefits and rights I currently enjoy and could be the destruction of my business through the fault or omission of others.

Throughout this saga I have only minded and defended my own affairs and not interfered with others yet I and my pilots have had to put up with serious injustices and attempts to eradicate my business. I urge that the Planning Authority accept this statement as the up to date defining position re runway 17/35 and the chalet park.

If, importantly, the Planning Authority are minded to grant consent after evaluating the many other issues which have been raised by this application then there are solutions to avoid significant and unfortunate conflict over the aviation issue. There could be explorations to see if compatibility can be achieved. Section 106 or 'Grampian' conditions are a possibility in conjunction with other measures but I am advised they are not ideal. However Mr Herbert could withdraw the application and I believe one in a very similar format could be drawn up in conjunction with the LPA in which runway 17/35 is made available as CAP 168 compliant with provision for such to endure. Indeed I think this would be a remarkably simple exercise with minimal on site work now there is the benefit of the independent Aviation Report and, subject to satisfactory assurances, I would engage with Mr Herbert's professionals if it would assist.

I am not competent to advise on planning matters but it did occur to myself that an even simpler solution might be possible to create the CAP 168 Code 1A compliant runway 17/35. This would be by a further new linked planning application for the necessary 'runway strip' much of which falls on Mr Herbert's land between my runway 17/35 and the current application boundary. This would presumably save a vast amount of work and perhaps this can be considered.

6.29 The gist of the last response from Dr. Slater, (as Officers view it), is that

- a) the presence of the lodges in the relative proximity to his runway raises public safety issues; and
- b) the stipulations identified in relation to safe distances, etc. as part of CAP168, place the onus on him to raise the standards of the runway, which he is unable to achieve. This would make it more difficult to obtain insurance. Because he is unable to meet CAP 168 it leaves him vulnerable in the event of an accident- irrespective of the cause,

thus stymieing indirectly the operation of the runway.

- 6.30 In light of the revisions to the Plans of 16 December 2019, Dr. Slater's representation of the 6 January is provided, in full below concerns the merits of revised scheme and submitted plan for showing aviation safeguarding:

*“The report by Northpoint Aviation commissioned by the applicant has been published which is pertinent to the important issue of aviation safety. This is therefore of crucial interest for my adjacent Aerodrome. The introduction states: **Specifically, this report focuses solely on aviation safety matters raised by Ryedale District Council and external parties that have made representations about the applications.** In general, though importing some conflicting inferences, it concurs with the matters and conclusions in the York Aviation Report except over a comment on the proximity of the units to which it pays special attention.*

*The Northpoint report like the York Aviation Report also describes the essential ‘runway strip’ which is a zone to be clear of obstacles and one of the necessary criteria specified in CAP 168, and indeed part listed in the Northpoint Report, to be implemented for aviation safety. Immediately after this list and Figure 1 the Northpoint report states **In this case runway 17/35 currently meets the safeguarding criteria for Code 1A runway under the regulation in CAP 168,***

*This is incorrect and misleading as the water tanks, although moveable, are obstacles and, along with parts of the bund and trees which are also obstacles, are still in place (checked 4 January 2020). Additionally the Northpoint report continues with inferences and statements supporting this inaccuracy - eg in the conclusion **‘The operation of runway 17/35 and the proposed development are compatible in terms of aviation * with respect to both an unlicensed runway and a Code 1A runway under CAP 168’.** This is not the case due to the presence of the water tanks and indeed also parts of the bund and trees. Also the sentence does not make complete sense in the context of the Northpoint introduction statement quoted above: seemingly the word **safety** should appear at the *.*

*The York Aviation report makes it clear that the factor which would allow the application proposal to be sited near the established active runway 17/35 is compliance to the requisite CAP 168 standard and that it is the characteristics of the runway which can confer this standard of aviation safety: the introduction states **The aim therefore is to state the appropriate characteristics of the runway required for safe operation.** The required standard clearly stated for safety in the York Aviation report is compliance with certain criteria given in CAA document CAP 168 for a code 1A runway though importantly it should be noted that this designation should be qualified by addition of the words ‘non instrument’. It should be noted however that there is no necessity for the runway to be licensed - just to conform with selected criteria appertaining to selected physical characteristics which would be necessary for a licence.*

On analysis the reports also indicate that runway 17/35 and it's environs, in particular to the North and East where the application proposals are sited, have appropriate characteristics giving the possibility for compliance with the selected requirements of CAP 168 criteria and that therefore the aerodrome and the proposal could potentially

co-exist. The York Aviation Report specifically identifies that the water tanks should be removed and that there should be no fencing so the current situation does not comply with CAP 168.

The position is that the amended application, particularly the Site Layout Plan WA - HL - 1.1 - Rev H, does not contain the necessary provisions to make this a reality as it does not include all the measures to fulfil the criteria. We submit therefore that if the application is consented as presented then there would be no enduring situation or guarantee of the recommended standard of aviation safety for co-existence though we would be able to continue with some aviation activity. For the holiday chalet park this would mean, inter alia, the public being exposed to risk due to a development permission too close to an active runway without the necessary measures being implemented for Aviation safety. The recommendations of the York Aviation report advise the internationally agreed and accepted standard of aviation safety given by CAP 168 and this expert advice would have been ignored.

The deficiencies in the application can be identified by going briefly through the significant required criteria. It should be noted the following are not exhaustive and dimensions/drawings and plans which I have submitted previously are not included though they should be referred to for a comprehensive picture. It is also notable that the Committee deferred the application for 3 months on 13 August 2019 for further work and yet here we are with 5 months to the next consideration and yet these well complained of omissions have not been addressed in the application.

*1 **The runway strip.** This zone, which has to be obstacle free, is not even mentioned on WA - HL - 1.1 - Rev H. The footprint of the Runway Strip could have been easily added to the drawing and the Northpoint report correctly states it extends, in the case of 17/35, 30m beyond the runway ends - this point is also documented in my descriptive comments. The most important feature of a runway strip is that it is a zone extending upwards from ground level to be kept clear of obstacles - which includes temporary or moveable obstacles placed at ground level. The existing moveable water tank obstructions are identified for removal along with the comment of no fence in the York Aviation Report. Also it is the Eastern section of the runway strip, the majority of which is sited on the area 'no longer in use', that would be relevant to the amended application. We submit that the footprint of the Runway Strip as it affects the property owned by the applicant should be delineated on the Site Layout Plan with the annotations **The runway obstacle free areas shown and adjacent to the runway to be kept free of all obstructions at all times to ensure continuance of safe operation of the runway 17/35 in accordance with Civil Aviation Authority standards.** Additionally all embracing descriptive wording should be also used as this plan is potentially a legal document affecting our adjacent runway property as well as establishing aviation safety for the application proposals. We consider the appropriate minimum designation for the area of the runway strip in question should be **'Runway Strip - reference CAA document CAP 168 3.35 to 3.61 Code 1A non instrument runway. A zone to be kept clear of all obstacles including moveable items and fencing at ground level'**. All the dimensions and specifications are within these sections of CAP 168.*

In the event that an enduring obstacle free zone based on restrictions affecting the area of the 17/35 runway strip relevant to the application cannot be implemented (eg by planning conditions) for whatever reason then the proposed holiday chalet park cannot safely co-exist with the established runway 17/35. This is obvious from the independent

York Aviation report.

Breaches of the CAP 168 regulations for the runway strip would have significant ramifications for the application proposals: particularly in the spheres of safety, potential liability and insurance and therefore the runway strip, which is mainly on the adjacent 'half of runway 17/35 no longer in use', should be implemented by enduring conditions as explained. I have already referred to the inaccuracy stated in the Northpoint Report.

2 The Transitional Surface. *This, a non physical obstacle limitation surface (OLS), which must not be penetrated by obstacles (ie such must not protrude through an OLS), and has been addressed in the amended application. In this case it commences at ground level at the Eastern border of the runway strip with which it is continuous. Separate plan reference WA - HL - 1.11 Rev A together with the associated cross sections are relevant to the matter. The appropriate designation would be 'Transitional Surface - reference CAA document CAP 168 4.23 to 4.28 Code 1A non instrument runway. No obstacles to penetrate or protrude through this surface' (the application plan refers to area rather than the correct description of penetration/protrusion).*

3 The Approach Surface. *This has some attention on Site Layout Plan WA - HL - 1.1 - Rev H but again has not been added pictorially to the plan. This would be particularly desirable as the full extent of this surface and the implications for obstacles, even moveable ones at ground level, is not appreciated from the single dot depicted. A more accurate designation would be 'Approach Surface - reference CAA document CAP 168 4.16 to 4.22, Table 4.2, figure 4.10 Code 1A non instrument runway. No obstacles to penetrate or protrude through this surface'.*

The converse situation of a take-off and climb surface, also part of CAP 168, is covered by the area of mown grass only to the North within the 30 degree splay as shown on the plans. This area, which does in fact have an equivalent in CAP 168, also protects the Approach Surface. However this annotation should make clear that it is Mown grass only with no trees or other items of a non-frangible nature.

*Northpoint correctly identify the questionable runways in the UK over the proximity of built/parked structures though I submit these should not be used as examples of acceptability as many pilots consider them hazardous - though much depends on the type of aircraft to be flown. The situations given as examples can be considered to have arisen through organic or historical growth rather than being pre-planned. The nearer runway shown in the Tollerton photo example is actually disused. The Heathrow example is likely to be the effect of using a telephoto lens: the unseen relevant CAA criteria for the classification of the runway will apply. There is an aerial photograph available, which unfortunately cannot be published due to copyright, which shows a crash at Caernarfon with tragic fatalities where, although the runway is licensed and therefore adheres to the CAP 168 criteria, there was an extremely close 'near miss' onto a caravan park (G-ATRR May 2013). **

Although the Transitional Slope proposed does clear the chalets we still believe the intensity of human occupation proposed to be in such a small area in the vicinity of 17/35 is a factor to be taken into account. Indeed the Caernarfon photograph demonstrates this.

Overall it is disappointing that, after waiting and being severely inconvenienced for so long there is no commitment by the applicant to implement the standard of aviation safety which has been internationally agreed and so clearly expressed in the independent York Aviation Report. The lack of any proposal for the establishment of a relevant obstacle free enduring Runway Strip area is the most significant factor. Under these circumstances my objections are re-stated and continue. This is to be regretted as, after a lot of work, there is the prospect that enduring aviation safety can easily now be implemented by the applicant.

In conclusion if the runway strip provisions described for 17/35 cannot be implemented by conditions I submit that the application should be refused on the grounds of inadequate Aviation Safety. If there is the prospect that an enduring runway strip area for 17/35 can be established through initiatives by the applicant I submit the application should be deferred yet again for a strictly defined short period for the runway strip and other provisions to be included in the application and subjected to scrutiny by experts with our involvement in the nature of safeguarding liaison for which we have persistently requested and which is recommended by HM Government. With such a course I would expect all parties to agree over implementation of aviation safety.”

* Officer’s comment: the applicant provided further documentation around this event (air crash investigation report), the caravans were at the end of the runway within the approach surface. This is not comparable to the site as proposed at Wombleton. But it does show how critically important it is to have these open, unimpeded areas in proximity to the runway.

- 6.31 The applicant has provided an updated site layout plan, and a plan for measures concerning aviation safeguarding to reflect the requirements as set out in the York Aviation Report. To that effect it also reflects the specific details that Dr. Slater has sought, and Dr. Slater has contributed to the wording and layout, although it has been prepared by the applicant’s agent. Dr. Slater is a key party in this process as he is the adjacent landowner, he is also the operator of the runway, and has extensive experience of flying operations in this locality. The safeguarding exercise has also been conducted within the context of the CAA guidance and the observations of York Aviation. Officers are therefore of the view that the application should be considered as it is now presented before Members, accepting that further safeguarding provisions have been incorporated into the Plans. The land which Dr. Slater describes as being between the red outline and his runway 17/35 (land edged in blue) is already an airstrip. Compliance with a CAP 168 designation is the standard of a licensed aerodrome. This is above and beyond what this runway is, but it does not then require it to be licensed. It is a means to robustly test the spatial parameters available to consider areas to be kept free of obstruction. Both the York Aviation report and the Northpoint Aviation Services report agree that there is the land to deliver a CAP 168 compliant area to be either free of vertical obstruction, or be beneath the TOLS boundary (providing the water containers are removed).
- 6.32 The Local Planning Authority considers that the proposed development has been modified to such an extent that technical compliance with the revised plans, with appropriate conditions, can overcome the specific deficiencies which were clearly evident with the originally submitted scheme. This is within the context of aviation

safety in relation to pilot safety and plane operations. It does, however, necessitate the removal of the bunding which wraps around the northern extent of runway 17/35 (currently severing the approach surface), and also the removal of the water containers which are currently unable to be enforced against. The proposal includes the CAP793 30° splay either side from the centre point of the runway (operational), at the north and south extent. The scheme proposes compliance and further restrictions though the plans and conditions to restrict the use of the land to that which is compatible with its identified status on the aviation safeguarding plan.

- 6.33 It is possible to apply conditions to land within both the red and blue land, but it is not possible to condition land outside of the applicant's control. Therefore conditions can only be imposed which relate to the land edged in red and the land edged in blue. Other parts of the area which would be capable of being identified in the safeguarding area are made parts of existing runways, a road, and farmed land. These other areas are not within the applicant's control, but are the existing uses and extremely unlikely to present issues regarding vertical obstructions. They may also be capable of being considered as part of an informal safeguarding exercise which is separate to the planning application. As such they do not present a material concern in relation to considering the merits of this application.

Conditions are capable of being worded to:

- Restrict access unless in connection with the cutting of the grass and there shall be no vertical obstructions (of any circumstance or description or function) in accordance with CAP 168 within the area so identified on the plan, and in the Obstacle Limitation surface (OLS) area at any time, excluding grass cutting;
- Control details of a secure boundary fence which is to prevent unauthorised access into areas the Obstacle Limitation Surface (OLS) area;
- Approve details of warning signage (which have been supplied);
- Require the removal of the bunding as shown on the submitted plan; and
- Require the removal of the water butts from the Runway Strip as required to ensure compliance with the OLS requirements.

- 6.34 It is clear therefore, the measures for an aviation safeguarding map, and application of conditions could impose greater restrictions on the surrounding land than if there was no development i.e. prior to the bunding. It does, therefore, act as an enforceable measure of safeguarding on the basis that the development is implemented in accordance with the approved plans and conditions.

- 6.35 However, it is important that such measures are robustly worded and implemented. This is because they are considering the minimum standards for the safe flying operations, in relation to the runway and its immediate environs and in accordance with industry standards.

- 6.36 Also, as discussed earlier there is only the means for the LPA to influence the scale, nature use of the development for which planning permission is sought- and not to change in any way, shape or form the operation of adjacent land uses unless it is legally possible and necessary in planning terms. The safeguarding considerations have therefore been very important to establish the ability to ensure that the presence of the site does not raise issues of aviation safety and compromise the ability to fly.

- 6.37 This section of the report has up until now focused on the safety considerations in terms of operation of the runway as that is the recognised, lawful use of the land. The focus has been to establish whether the two land uses can co-exist. The responses of general public safety has been raised in general, but most notably by Dr. Slater, and Mr Blyth, owners of the runways in question (17/35 and 04/22). This is also referred to in the independent aviation report, which raises the inherit safety issues for the general public, and that safe distance parameters are not set out in a general guidance document. The independent report produced by York Aviation for the Local Planning Authority states the following:

We would lastly note that while it is acknowledged that building dwellings within approximately 50 m of a runway is for many reasons not advisable, in this case it does not conflict with any CAA guidance of compliance requirements of CAP 793 or CAP168. Any potential issues relating to noise or safety in this regard are beyond the scope of this report and would require significant further assessment.*

* As stated earlier the proposal is not for dwellings, as conditions would limit their occupation, but they would be resided in. This proposal does create the situation whereby a potentially large number of people would be located within a relatively close distance of the runway which could, in the event of an emergency, leave them vulnerable. The properties would be capable of occupation 24/7.

- 6.38 The previous report to Members took a precautionary approach and view on the relative level of risk to the occupants of the lodges. This increase in level of risk to the public is not quantifiable; as it is about an unpredictable, exceptional event (flight outside the normal range - and an emergency situation). Despite the inability to define in technical detail what constitutes an absolute safe distance for a development from a general aerodrome, Officers have borne (and continue to bear) the following in mind:

- The scheme, with 43 lodges, has the capacity to give rise to a significant number of people- occupants and visitors in relatively close proximity to the runway;
- Whilst they will be not on the site simultaneously and at all times, the lodges would have the capacity to be occupied 24/7;
- The speed of aircraft involved and their proximity to the site would mean occupants would have little or no time to react to an emergency event.

The level of risk for there to be harm to the public in the event of an accident, can only be considered to be raised by these factors, over the current use of land, and indeed the operations of the potato store. It is simply a function of the fact that a number of people would be present in an area where previously there were none. However, the scheme has sought to demonstrate that the presence of the lodges brings no greater risk to aviation safety than the existing situation i.e. it does not make the runway less safe. The ability to deliver a development which allows key industry standards is a minimum requirement. It does achieve this. So in turn, the presence of the lodges as proposed with safeguarding is not increasing the risk of harm to the public by presenting a safety risk in flying operations.

- 6.39 Dr Slater has verbally advised Officers that he intends to provide a formal response to the scheme once he has read the committee report and any conditions recommended. This would be provided as a late paper or reported to Members at the meeting.

- 6.40 Policy SP20 states that new development which will result in unacceptable risk to human life, health and safety or unacceptable risk to property will be resisted. Officers have previously considered that this risk was raised to an unacceptable level. This was predicated on the York Aviation Report, and the concerns raised by Dr. Slater and Mr Eden Blyth on the basis that it was not clear that key aviation safety parameters could be indeed be sustained. Officers are now of the view that the application as presented (with the conditions imposed on aviation safeguarding) is, on balance, considered to not represent a material unacceptable risk as the lodges will not in themselves raise the risk of undermining aviation safety.

Amenity – in particular Noise

- 6.41 The Council’s Environmental Health Officer is unable to consider noise from aviation in general terms. It is appreciated that based on the current use of the land, there are no amenity issues raised by aircraft that can be taken into consideration. Nevertheless, the Local Planning Authority is able to consider the implications of noise from adjacent land uses. 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.
- 6.42 Officers considered that but for the odd exception, it would not be seen as particularly desirable for the identified owners/renters of the proposed lodges to be sited next to an active runway, although it is hard to ascertain what the precise impact would be. The scheme has been revised so that no lodges are in the ‘flight path’, and they are set back, the closest is now at c.50metres. This is a significant improvement on the original submission. It is also in conjunction with landscaping and bunding which, being set back further from the runway will also provide some further degree of noise attenuation. The amendments are considered to have reduced, but not eliminated, the likelihood of issues raised in relation to aviation noise. There is also the potential demand for the air strip for emergency landings- and these could be day or night, although by nature it is anticipated that these would be very exceptional events. Furthermore, runway 17/35 is not the only operational runway-meaning planes would land on an alternative runway if that was the safest option.
- 6.43 The planes fly sporadically. In the opinion of Officers, this still presents the potential for intermittent, though not a materially significant disturbance through planes (light aircraft) taking off and landing in close proximity to the lodges closet to the runway. It is considered that the noise resulting from the operation of the runway is of a frequency and duration which would not result in chronic disturbance.
- 6.44 Significantly more sustained, and therefore serious, noise emanates from the potato store (when in operation) which is adjacent to the east, and the site ‘wraps’ around it. It affects both the northern and southern lodge groupings. When in operation it runs 24/7 for circa three months. The Environmental Health 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 potato store does not operate all year-round, being based on the timing of the potato harvest

and duration of storage, which is about 3 months. It is nevertheless, able to operate without limit.

- 6.45 During the course of the application three different options for noise mitigation (louvres, fence, soil bunding) have been approached in four stages. The first option was the 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. This was not proven, and relied on another party's consent (landowner and mortgagee). The previous committee reports set out that this raises significant 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 nor in land which the applicant owns/controls. This means 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 unless the owner of potato store permits any controls/measures.
- 6.46 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 potato 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.
- 6.47 The applicant then consulted on (December 2018) the installation of a 9.5 and 7.5 metres high acoustic fence. It rapidly became clear to all parties that such an approach would create more problems (landscape impact/poor outlook/cost/maintenance/construction costs) vs. uncertain effectiveness.
- 6.48 The applicant then reverted back to the louvres options, with the drawing up and proposed signing of a legal agreement which committed the adjacent landowner to permit the installation and maintenance of the louvres. Members may recall that at the last Planning Committee when this application was before Members, it was verbally reported that the mortgagee would not sign the agreement- rendering the ability to use such mitigation null.
- 6.49 In the most recent iteration of the scheme soil acoustic bunds are proposed to the north and south of the potato store, within the existing treed areas. They are principally constructed of soil, with a stainless steel frame, and planted with covering plants. Two bunds are proposed, to the north at 9.5 metres in height and to the south 7.5 metres. They have a base of 2.5metres. The northern bund is c.124m in the length. The southern bund is c.103m in length. They are positioned in conjunction with a much smaller bund, which is to have a 4m high acoustic fence positioned on top with trees to either side.
- 6.50 In terms of the noise standards to be adhered to, The Environmental Health Officer has advised in previous iterations of the scheme that:

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).

- 6.51 It is important to ensure that the noise mitigation measures are indeed capable of achieving what they are theoretically capable of, otherwise this raises serious implications for the development, and goes to the heart of the permission's acceptability. That being said, such structures need planning permission in their own right, and represent considerable physical structures so they need consent in order to be constructed. Having an approach whereby the mitigation is implemented during the scheme represents a risk. However, the Council's Environmental Health Officer has knowledge of these types of bunds, and their efficacy. He has confirmed:

"Further to the latest noise mitigation submission for the above site. I believe the proposal of providing a 9.5 metre high barrier to the North of the site and a 7.5 metre high barrier to the South and West of the site based on the "Gramm Eco barrier system" that incorporates natural greenery will be a good option to provide noise protection for the cabins from the potato store.

I would recommend that as per section 6:7 of the noise consultant's report the following condition be implemented. "Construction work shall not begin until a schedule for protecting the proposed holiday lodges from noise from the potato store has been submitted and approved by the local planning authority, all works which form part of the noise mitigation scheme shall be completed and confirmed to be appropriate before any work on the approved scheme commences".

- 6.52 Therefore, the following condition has been developed to ensure that there is a robust means to ensure noise mitigation is implemented to deliver the necessary levels of attenuation.

In order to protect the holiday lodge's occupiers (and manager's residence) from excessive noise Ryedale District Council imposes conditions using the highest standards of BS8233 : 2014 and the World Health Organisation guidelines, these state that measured at 1 metre from the façade of the dwelling nearest the source of noise maximum daytime levels (07:00 – 23:00) should not exceed 50dB LAeq allowing for a 15dB attenuation with partially open windows and night time (23:00 – 07:00hrs) 45dB LAeq allowing for 15dB attenuation with partially open windows.

Prior to commencement of the construction of the lodge units, the proposed soil acoustic bunding shall be installed, as per the description of development and to the standard technical specification, and positioned as per the approved plans. Monitoring evidence shall be provided in writing to the Local Planning Authority that demonstrates, with the potato store in fully operational mode, attenuation to the above levels under the above circumstances, has been achieved. That bunding shall be so maintained to ensure that it has a satisfactory appearance and the noise attenuation is maintained in perpetuity for the protection of the occupants of the holiday lodges for the life-time of the development.

Reason: In accordance with Policy SP20 of the Adopted Ryedale Plan- Local Plan Strategy to ensure that satisfactory level of amenity is provided to the occupants of the holiday lodges.

- 6.53 The proposed manager's accommodation would constitute a residential dwelling, (albeit limited to being occupied in connection with the management of the site). In the

interests of the protection of residential amenity in principle, this requires specific consideration. Initially, the scheme proposed that this 'dwelling' was situated on land which straddles both the land to the potato store, and the runway. This raised issues in relation to noise from the potato store and the runway. The dwelling is now sited in such a position as to be the unit which is positioned as far away as possible from both the potato store and the runway (on the eastern elevation c.137m from the runway). This reduces the impacts considerably, in conjunction with the application of appropriate noise mitigation of the potato store.

- 6.54 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, without mitigation occupants of the lodges would be subjected to an unacceptable level of noise which would be extremely disruptive. However, the layout and landscaping, in conjunction with the application of the acoustic bunding, the noise issues on adjacent land can be addressed to a satisfactory level. Indeed the use of the bunding could bring wider benefits such as improved outlook for the lodges.

iii) Other Site- Specific Considerations

Impact on Highways, Access implications for Pedestrians and Cyclists

- 6.55 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.
- 6.56 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.

- 6.57 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.”*

Since the application’s further revision these conditions have not changed substantially- although more signage is proposed where pedestrians are likely to be on the road.

The response from NYCC highways is that 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: tactile paving; drainage; crossing points and prescribed warning signs; road safety audit (stage 1 and 2) and programme of the completion of the work approved;*
- *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;*

- 6.58 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. In doing so objectors have often referred to the other scheme which has been permitted (18/00662/MFUL). Each proposal must be considered on its own merits. Although it is

appreciated that if both schemes were to occur, there would be an increase in 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 direct comparison in traffic levels between residences and the lodges. They are for different uses, and will not 'compete' for facilities and services in the same way. Tourist enterprises, for example, do not result in peaks in traffic movements, resulting in the same levels of congestion (unlike residential development which has more marked travel patterns).

- 6.59 It is noted that references have been made in relation to dangers raised by the increased traffic density through the village of Wombleton. The LHA is satisfied that the highway implications are acceptable. The LHA has recommended the imposition of a condition 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.
- 6.60 Representations have been made concerning the provision of rights across the air field for the lorries which serve the potato store. The formation of the boundary fence originally potentially impeded this access way. Notwithstanding it is a civil matter, it is noted that on the revised plans gated access is provided.
- 6.61 The proposals are to provide, within the public highway, a footpath, subject to a s.278 Agreement with the NYCC as the Local Highway Authority. 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 all the way 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, cyclists 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 be likely to 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 use 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. The lack of footpath would be likely to present a barrier to pedestrians proceeding further along the road because of their concerns regarding safety. The Local Highway Authority has considered that in light of this issue of accessibility signage both on the road would be useful to alert drivers to the potential presence of pedestrians in the road.
- 6.62 In response to criticisms levelled at the proposals in 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). It is likely that this is an oversight by the applicant's consultants. The Local Planning Authority is considering the proposed use for tourist operations. Because

permanent residential development in this location is, in the main, contrary to the spatial approach of the Local Plan Strategy.

- 6.63 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 again 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

- 6.64 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.”

- 6.65 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.

- 6.66 The 2011 project 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).

- 6.67 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 larger scale than the previous scheme which was under consideration in 2010 (although undetermined and then disposed of).
- 6.68 Views of the potato store are achievable. The holiday lodge site would ‘wrap around’ the potato store. 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.
- 6.69 The LVIA has noted that the north and west of the site is the most open, but views from the south can also be achieved. It is not clear from the LVIA 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’.
- 6.70 The layout of the scheme originally reflected the landownership and the layout of the airfield, resulting in a very linear, geometric in form. The current on-site 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 of 2018 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 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. The surrounding landscape character, predominantly involves a mixture of native trees and shrub species. The bund and planting is also identified in the LVIA as being ‘insufficient’ as proposed, 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 bund and existing planting.
- 6.71 The need to respond to deliver a landscaping scheme which softened the views of the site and which also responds to the matters around aviation safety has been further considered. The periphery would be focused on shrub planting which has a varied depth. Native hedging and trees (standard and feathered) are proposed within the site to soften the units. They will be viewable, but they will be glimpsed through the

vegetation. Tree planting is proposed to be provided to the west of the potato store.

- 6.72 A tree survey was submitted in June 2019, to consider the impacts of the lodges on the existing trees. It categorised all the trees as being of Group B – of moderate quality and value, and of a condition that they make a substantial contribution to the site based on its amenity value by screening the potato store. The plans as now submitted show no lodges in the areas of trees in the northern section of the site.
- 6.73 Some trees will need to be removed in order to facilitate the formation of the noise mitigation in the form of the planted soil bund. This bund, subject to using appropriate species and being well maintained, will in itself form an attractive backdrop, and provide a double benefit of noise attenuation and an attractive feature. It is also not especially wide at 2.5 metres, and will more than replicate the wind sheltering properties afforded by the trees removed to facilitate its construction.
- 6.74 The applicant's own landscape and visual impact assessment has highlighted the appearance and scale of the potato store 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, some of the units are more likely to be affected than others. But the presence of the acoustic bunding will, once the vegetation coverage is established, provide a good visual screen. There is also still the existing woodland planting which currently affords a good level of screening to the north and south of the potato store, and this is now proposed to be retained.
- 6.75 Low level lighting is proposed to the access and lighting issues have been raised. It is considered that an appropriate scheme of lighting could be adequately conditioned, to minimise lightening and to protect the overall low levels of lighting currently experienced in the area.
- 6.76 Returning to the provisions of Policy SP8, the lodges will be viewable, but within the context of shrub planting and an internal landscaping scheme which will soften the appearance of the lodges, internally and externally. Officers consider that the proposed use can now be accommodated without an unacceptable visual intrusion in the landscape. As such it is considered that the proposal accords with both Policies SP8 (Tourism) and SP13 (Landscapes).
- 6.77 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.
- 6.78 The layout has been revised, involving the use of more trees and shrubs within the site, which will provide an attractive landscaping setting within the internal layout. It is considered that the design of the cabins is acceptable. Due to the loss of lodges from the north, and their relocation, the density of the lodges has increased again, when compared to the previous iteration. However, the size of the site should not be underestimated. There is still a minimum of 7 metres (or more) between each lodge.

Parking for the units is to be provided closer to each cabin. As such it is considered that the layout and design of the site, in conjunction with the revisions to the landscaping now results in a development which complies with the requirements of Policy SP16 regarding design.

Flood Risk, Surface Water Management and treatment of Foul Water

- 6.79 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.
- 6.80 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, has 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 would be restricted to a maximum of 1.4 litres/second/hectare.
- 6.81 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.
- 6.82 In conclusion, it is considered that the proposal satisfies Policy SP17 which is concerned with the protection of natural resources and minimising the risk of flooding as a result of new development.

Ecology

- 6.83 The site is a mixture of coniferous and deciduous plantation, some of which has been removed, and rough grassland. A number of the consultation responses have referred to the formation of drainage ditches and the consequential adverse impacts on the wildlife. This is not substantiated, but the ditches will have changed the surface water regime in the locality. 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."

6.84 The previous report to Committee outlined that an ecological survey had not been provided as part of the application, which was validated without the survey. The applicant has provided two surveys, one which considered general ecological mitigation measures, provided the day before the December 2018 Committee meeting. The second, provided in response to the York Aviation Report, was submitted in June 2019, to avoid vertical obstructions, and habitats which would attract birds, in particular.

6.85 The preliminary ecological survey concluded:

- No impact on statutory designated sites or local Sites of Importance for Nature Conservation (SINCS);
- No loss of priority habitats;
- No negative impact on the following species: badgers; voles, otters or native white clawed crayfish, Great Crested Newts or other amphibians, roosting bats, reptiles, hazel dormouse; red squirrels due to the lack of suitable habitat;
- No negative impact on foraging bats, this was on the basis that no habitats were changing- the scheme is now within the northern area of woodland, which would undergo change as part of this proposal.

It suggested further, native planting, nest boxes and bat boxes are provided.

6.86 Given the aviation safety considerations, and the changes to the layout and the effect on trees, the following ecological enhancements are therefore related to ground level features:

- 1no. Artificial badger sett, positioned at the north west corner of the site; no maintenance required
- 2no. Amphibian and reptile hibernacula – by using a rock pile covered with soil to the sides and rear only in the retained bunding; no maintenance
- 2no. Grass snake breeding Piles- manure tipped adjacent to the bunds- well away from the lodges; replenished c. every 5 years
- 4no. Hedgehog homes, sheltered beneath areas of scrub;
- 6no. Bat boxes;
- 6no. Insect houses, located close to flowering plants;

The latter three items just need to be checked periodically to ensure that they have not been vandalised.

All the features are marked on a map.

Subject to these requirements, Officers now consider that the proposed development is able to broadly accord with Policy SP14, without raising issues concerning aviation safety in respect of the operation of the runway, conditions would require the implementation of the proposed measures, if planning permission is granted.

6.87 Concerning the matter of Himalayan Balsam, it is a recognised invasive species, and the site Officer's visit confirmed its presence. The ecological survey did not identify it, but it was undertaken in November 2018. It is however, a civil matter, accepting the bunding upon which it came in on- is operational development which needs planning permission in its own right.

iv) Wider considerations-

Economic Benefits

- 6.88 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 Policy SP21.
- 6.89 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 consideration. 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 that are only 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. 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 was previously considered difficult to identify the extent of the benefits of the scheme that are required to be balanced against the harm identified concerning adjacent land uses. Whilst this remains difficult to quantify the wider economic benefits, the elements of harm identified are now capable of mitigation.

Crime

- 6.90 Planning has a role to play in considering 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. No objections to the proposal are raised in relation to the designing out crime issues.

Heritage

- 6.91 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 Wumbleton 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

- 6.92 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. It is anticipated that in the rural areas there will be other uses, such as tourism accommodation, which are compatible with being in a less sustainable location. This is an appropriate 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.
- 6.93 Wumbleton 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.
- 6.94 The land on which the application sits is not considered to be of significant agricultural merit by virtue of the trees and adjacent uses.
- 6.95 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 and remediation if any is required. The Council's Environmental Health Officer has provided standard conditions to ensure that this is undertaken.
- 6.96 As such is considered that the proposal raises not conflict with the policy requirements of Policy SP17- Managing Air Quality, Land and Water Resources.

iv) Conclusion

- 6.97 This application has been under the Local Planning Authority's consideration for over 18 months. Whilst this has been a long journey for all parties concerned, the site has presented a number of complexities. These have required extensive consideration, and collaboration to resolve to a satisfactory level the sensitivities which are present when considering development for this site.
- 6.98 Whilst the site extent and use of the land has not changed, there are a number of key changes which have been made to this scheme which have resulted in the application being considered to be compliant with the provisions of the Ryedale Plan – Local Plan Strategy- as set out in the report.

- 6.99 Key longstanding issues, which relate to the matters of aviation safety and noise have been satisfactorily mitigated. This application is therefore recommended for approval with a series of conditions.
- 6.100 These conditions, operate in conjunction with the submitted plans. These conditions are (whilst acknowledging the bunding) in effect pre-commencement in their nature. The applicant is expected to have 10 days' notice of such conditions. This has not been possible because of the lateness of the receipt of the Aviation Safeguarding Map. So, if Members are minded to approve the application, it is advised that Members give Officers delegated powers to make any minor amendments or changes to the precise wording of the conditions. Any substantial revisions to the conditions may require the application to return to Members.
- 6.101 Notwithstanding the recommendation of approval, if Members are minded to refuse this application, Officers advise that enforcement action is also required to secure the removal of the unauthorised earth bunds from the site. However, in this eventuality, the Local Planning Authority is unable to take action on the water containers on the basis that there is no means of planning enforcement on these chattels.

RECOMMENDATION: Approval subject to the following conditions

1. The development hereby permitted (acknowledging the to-be-retained bunding currently on site) shall be begun on or before 1st June 2020;

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004. Only the perimeter bunding (where retained) is constructed.

2. Notwithstanding the existence at the date hereof of the to-be-retained bunding that bunding is not considered authorised by the grant of this planning permission only and shall only be considered authorised on the confirmation by the local planning authority that conditions [- noise, part (a)], [- Land Contamination] [- Remediation], and Highways Conditions [- HC-06 Discharge of Surface Water, part (a)], and [- HC-07 Private Access/Verge Crossings, parts (a) and (b)] and [detailing foul and surface water drainage], [Runoff rate, Storage Requirements and Maintenance], [Treatment of Surface Water/Pollution Prevention], [Outfall Destination/Impact on network], [Exceedance Flow Routes], have been complied with.

Reason: In the interest of development control should the development not be commenced in accordance with pre-commencement conditions.

3. The development hereby permitted shall be carried out in accordance with the following approved plans in terms of both the drawings and the text notations:

Site layout Plan – WA-HL -1.1- Rev I received and dated 07.01.2020

Plan for Measures to Implement Aviation Safety – WA-HL 1.13 received and dated 09.01.2020

Site cross sections plan – WA-HL 1.9 Rev D dated 25.09.2019 and submitted 12.12.2019

Boundary fence plan (including warning signs detailed and their positioning) - WA-HL 1.10 Rev B dated 16.12.2019

Reason: For the avoidance of doubt and in the interests of proper planning. To ensure compliance of the development with the adopted Ryedale Plan- Local Plan Strategy and to ensure compliance with aviation safeguarding measures in accordance with identified CAA standards and Policy SP20 of the adopted Ryedale Plan- Local Plan Strategy.

4. The development hereby permitted shall:
- Be tourist accommodation (43 lodge units only – excluding the manager’s residence) is occupied for holiday purposes only; and not as a person’s sole, or main place of residence; and
 - Be available for commercial holiday lets for a least 140 days per year and where no let may exceed 31 days per year to the same occupants.
 - The owners/operators shall maintain an up-to-date register of lettings/occupation and advertising which shall be made available for inspection to an officer of the Local Planning Authority on request.

Reason: To ensure that the lodges are not occupied on a permanent residential basis, which would be contrary to the requirements of Policies SP1 and SP8 of the adopted Ryedale Plan-Local Plan Strategy. This condition is imposed in accordance with the requirements of Policies SP8 and SP21 of the adopted Ryedale Plan-Local Plan Strategy.

5. To be in accordance with Plans Site layout Plan – WA-HL -1.1- Rev I received and dated 07.01.2020; and Plan for Measures to Implement Aviation Safety – WA-HL 1.13 received and dated 09.01.2020. The identified section of retrospective bunding to the immediate north of Runway 17/35 within the 30° segment of the runway centre-point and the water storage containers presently located within the land identified as the ‘Runway Strip’ will both be removed within 1 month of the date of this decision.

Reason: To ensure that the safe operation of the runway is not prejudiced, in accordance with Policy SP20 (General Development Management Issues) of the adopted Ryedale Plan- Local Plan Strategy which requires that adjacent land uses are not compromised by new development, and in accordance with the hereby approved plans.

6. Those parts of the runway strip (including land edged in blue and red), the transitional surface and the approach surface within the land edged in Red as shown is subject to the Plan for Measures to Implement Aviation Safety – WA-HL 1.13 received and dated 09.01.2020-is subject to the following requirements:

Runway Strip – shall at all times be kept clear of all obstacles including movable items and fencing at ground level;

Transitional Surface- No obstacles shall at any time penetrate or protrude through this surface and any that do so shall be removed;

Approach surface - No obstacles shall at any time penetrate or protrude through this surface and any that do so shall be removed.

References in this condition to ‘objects’ and ‘obstacles’ also include trees.

Reason: To ensure that the safe operation of the runway is not prejudiced, in accordance with Policy SP20 (General Development Management Issues) of the adopted Ryedale Plan- Local Plan Strategy which requires that adjacent land uses are not compromised by new development, and in accordance with the hereby approved plans.

7. In order to protect the holiday lodge’s occupiers (and manager’s residence) from excessive noise Ryedale District Council imposes conditions using the highest standards of BS8233 : 2014 and the World Health Organisation guidelines, these state that measured at 1 metre from the façade of the dwelling nearest the source of noise maximum daytime levels (07:00 – 23:00) should not exceed 50dB LAeq allowing for a 15dB attenuation with partially open windows and night time (23:00 – 07:00hrs) 45dB LAeq allowing for 15dB attenuation with partially open windows.

(a) Prior to commencement of the construction of the lodge units, the proposed soil acoustic bunding shall be installed, as per the description of development and to the standard technical specification, and positioned as per the approved plans. (b) Monitoring evidence shall be provided in writing to the Local Planning Authority that demonstrates, with the potato store in fully operational mode, attenuation to the above levels under the above circumstances, has been achieved. (c) The bunding shall be so maintained to ensure that it has a satisfactory appearance and to ensure that in the noise attenuation is maintained in perpetuity for the protection of the occupants of the holiday lodges for the life-time of the development.

Reason: In accordance with Policy SP20 of the Adopted Ryedale Plan- Local Plan Strategy to ensure that satisfactory level of amenity is provided to the occupants of the holiday lodges.

8. HC-06 DISCHARGE OF SURFACE WATER

(a) There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. (b) The works shall be implemented in accordance with the approved details and programme.

Reason: In accordance with policy SP20 and in the interests of highway safety

9. HC-07 Private Access/Verge Crossings: Construction Requirements (REVISED)
Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements

- a. The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority
- b. The vehicular access shall be formed with 6 metre radius kerbs, to give a minimum carriageway width of 6 metres, and that part of the access road extending 18 metres into the site shall be constructed in accordance with Standard Detail number DC/E9A.
- d. The pedestrian / cycleway crossing of the highway verge (to the roadside of the existing drainage ditch crossing) shall be constructed in accordance with the approved details and/or Standard Detail number E6.
- e. Any gates or barriers to the vehicle access shall be erected a minimum distance of 18

metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

HI-07 INFORMATIVE

You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

Reason: In accordance with policy SP20 of the adopted Ryedale Plan- Local Plan Strategy and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience

10. HC-10 VISIBILITY SPLAYS (REVISED) - VEHICULAR ACCESS

There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 124 metres in a southerly (right) direction and 148 metres in a northerly (left) direction measured along the adjacent channel line of the major road Hungerhill Lane from a point measured 2.4 metres down the centre line of the access road and clear forward visibility of 124 metres in a southbound direction on the centre-line of the major road Hungerhill Lane from the right-turn position into the access. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In accordance with policy SP20 of the adopted Ryedale Plan- Local Plan Strategy and in the interests of road safety.

INFORMATIVE

An explanation of the terms used above is available from the Highway Authority.

11. HC-11 PEDESTRIAN VISIBILITY SPLAYS (REVISED)

No part of the development shall be brought into use until visibility splays providing clear visibility of 2 metres x 130 metres in a southerly (right) direction and 118 metres in a northerly (left) direction measured along the adjacent channel line of the major road Hungerhill Lane in a southerly direction and to a point 1 metre out from the adjacent channel line in a northerly direction from the proposed pedestrian /cycleway access have been provided. The eye height will be 1.05 metre and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In accordance with policy SP20 and the interests of road safety to provide drivers of vehicles using the access and other users of the public highway with adequate inter-visibility commensurate with the traffic flows and road conditions.

INFORMATIVE

An explanation of the terms used above is available from the Highway Authority

12. HC-12a APPROVAL OF DETAILS FOR SITE WORKS IN THE HIGHWAY

Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until:

(i) The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority:

a. Provision of tactile paving

b. Provision of a minimum width 0.9 metre remote footway within the eastern verge of Hungerhill Lane from opposite the proposed pedestrian / cycleway access into the site and the junction with Wash Beck Lane including dropped crossing points at either end. Footway construction to be 150mm compacted thickness Type 1 sub-base, geotextile netting weed growth barrier above and to the inside of TE1 timber edging rails with 150mm thickness graded, rolled and compacted tar-free road planings to surface. All construction to be in accordance with the specification of the highway authority.

c. Provide highway drainage within carriageway edge along the existing eastern verge of Hungerhill Lane along section (b) above where considered necessary as agreed by the highway engineer on site at time of construction and in consultation and agreement with any third party owners of adjacent land where considered necessary and appropriate for the purposes of highway maintenance and connect into existing highway drainage and/or soakaway within existing verge in accordance with details that shall be prior approved and in accordance with the specification of the local highway authority.

d. Pedestrian crossing point across Hungerhill Lane carriageway to be highlighted with red anti-skid surfacing 2 metres wide and provision of 2 no. prescribed warning signs to Diagram no. 562 and first associated plate legend "Pedestrians Crossing 120 yards" to Diagram no. 563 of the Traffic Signs Regulations and General Directions Act (TSRGD) 2016 complete with 76mm diameter poles at positions in advance of the crossing point in either direction to be agreed by the highway engineer on site at time of installation.

e. Provision of 2 no. prescribed warning signs to Diagram 544.1 and first associated plate legend "No footway for 600 yards" to Diagram 547.3 of the TSRGD Act 2016 complete with 76mm diameter poles at positions to be agreed by the highway engineer on site at time of installation generally being along Hungerhill Lane at or close to the junction with Wash Beck Lane and on Main Street in Wombleton village and 1 no. prescribed warning sign to Diagram 544.1 and first direction plate with arrow pointing to the right to Diagram 573 of the TSRGD Act 2016 and 1 no. prescribed traffic sign to Diagram no. 544.1 of the TSRGD Act 2016, both complete with 76mm diameter poles, on Common Lane approaching Hungerhill Lane junction both at positions to be agreed by the highway engineer on site at time of installation TOGETHER WITH supplemental "SLOW" white road markings at positions and directions to be agreed by the highway engineer and applied immediately following installation of above signs and poles.

(ii) An independent Stage 2 Road Safety Audit for the agreed off site highway works has been carried out in accordance with HD19/15 - Road Safety Audit or any superseding regulations and the recommendations of the Audit have been addressed in the proposed works.

(iii) A programme for the completion of the proposed works has been submitted to and approved writing by the Local Planning Authority in consultation with the Local Highway Authority.

Reason: In accordance with Policy SP20 of the Adopted Ryedale Plan- Local Plan Strategy and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

13. HC-12c COMPLETION OF WORKS IN THE HIGHWAY (BEFORE OCCUPATION)

Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number (5)**Update** above:
Works as described in that condition.

Reason: In accordance with Policy SP20 of the adopted Ryedale Plan- Local Plan Strategy and in the interests of the safety and convenience of highway users.

HI-12 INFORMATIVE SECTION 278 AGREEMENT

There must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and the Highway Authority.

14. HC-13 DITCH TO BE PIPED (DETAILED PLAN)

There shall be no access or egress by any vehicles between the highway and the application site until:

- a. full technical details relating to the bridging/culverting of the watercourse adjacent to the site have been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority; and
- b. The surface water ditch at Hungerhill Lane has been piped in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority

Reason: In accordance with Policy SP20 of the adopted Ryedale Plan- Local Plan Strategy and to ensure satisfactory highway drainage in the interests of highway safety and the amenity of the area.

INFORMATIVE

It is recommended that the applicant consult with the Internal Drainage Board, the Environment Agency and/or other drainage body as defined under the Land Drainage Act 1991. Details of the consultations shall be included in the submission to the Local Planning Authority. The structure may be subject to the Highway Authority's structural approval procedures.

15. HC-15 PARKING SPACES TO REMAIN AVAILABLE FOR VEHICLE PARKING

(NON-RESIDENTIAL)

Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on Drawing Number WA-HL-1.1 Rev. I for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

Reason: In accordance with Policy SP20 of the adopted Ryedale Plan- Local Plan Strategy and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

16. HC-21 HIGHWAY CONDITION SURVEY (REVISED)

Unless otherwise approved in writing by the Local Planning Authority, there shall be no HCVs brought onto the site until a survey recording the condition of the existing highway along Hungerhill Lane in the vicinity of the vehicular site access (100 metres either side) has been carried out in a manner approved in writing by the Local Planning Authority in consultation with the Highway Authority. Prior to the development thereafter being brought into use the applicant shall carry out a second survey recording the condition of the same portion of highway. The survey shall be submitted to the Local Planning Authority for approval and thereafter any works reasonably required in order to rectify any damage to the highway resulting from traffic arising as a consequence of construction of the development and allied infrastructure shall be completed within an agreed timescale to the satisfaction of the Local Planning Authority in consultation with the highway Authority.

Reason: In accordance with policy SP20 of the Adopted Ryedale Plan- Local Plan Strategy and in the interests of highway safety and the general amenity of the area.

17. HC-26 TRAVEL PLANS

Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:

- a. the appointment of a travel co-ordinator
- b. a partnership approach to influence travel behaviour
- c. measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
- d. provision of up-to-date details of public transport services
- e. continual appraisal of travel patterns and measures provided through the travel plan
- f. improved safety for vulnerable road users
- g. a reduction in all vehicle trips and mileage
- h. a programme for the implementation of such measures and any proposed physical works
- i. procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

The Travel Plan shall be implemented and the development shall thereafter be carried out and

operated in accordance with the Travel Plan.

Reason: In accordance with policy SP20 of the Adopted Ryedale Plan- Local Plan Strategy and to establish measures to encourage more sustainable non-car modes of transport

18. HC-28 CONSTRUCTION MANAGEMENT PLAN

No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase:

- a. the parking of vehicles of site operatives and visitors
- b. loading and unloading of plant and materials
- c. storage of plant and materials used in constructing the development
- d. erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
- e. wheel washing facilities
- f. measures to control the emission of dust and dirt during construction
- g. a scheme for recycling/disposing of waste resulting from demolition and construction works
- h. HGV routing to avoid Wombleton village

Reason: In accordance with policy SP20 of the Adopted Ryedale Plan- Local Plan Strategy and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

19. The Native Woodland Mix (NW) and Native Shrub Mix (NU), standard and feathered trees and native hedgerows shall be positioned in accordance with the approved site layout plan (Condition 2), and the submitted planting schedule, submitted 05.04.2019 Provided by DRaW and dated 3.12.2018 Drawing number 2 which lists the species and their planting regime. The scheme shall be implemented within the next available planting season post construction, or such longer period as may be agreed in writing with the Local Planning Authority. Any trees/shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the external landscaping of the scheme affords a good level enhancement the wider character of the site within the context of its wider landscape setting. This is also to meet wider objectives of biodiversity enhancement. This is in accordance with Policies SP8 (Tourism), SP13 (Landscapes), SP14 (Biodiversity) and SP20 (General Development Management Issues) of the adopted Ryedale Plan- Local Plan Strategy.

20. Notwithstanding the submitted details, a detailed scheme for the internal landscaping and surface treatments of the paths and roads, including samples, shall be submitted to and approved in writing, this shall be provided prior to the lodges construction and implemented within the next available planting season post construction, or such longer period as may be agreed in writing with the Local Planning Authority. Any trees/shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased

shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the internal landscaping of the scheme affords a good level of amenity to the occupants, by providing an attractive appearance within the site, to enhance the wider character of the site, and when it is viewed from distance. This is also to meet wider objectives of biodiversity enhancement. This is in accordance with Policies SP8 (Tourism), SP13 (Landscapes), SP14 (Biodiversity) and SP20 (General Development Management Issues) of the adopted Ryedale Plan- Local Plan Strategy.

21. The development shall be carried out in accordance with the measures set out in the 'Biodiversity Enhancement Report dated 15 June 2019', which provides for enhanced biodiversity mitigation measures which are also complementary to the runway by not increasing risk of bird strike. They are to be sited in accordance with the submitted siting plan- and reflecting the approved later site layout plan (condition 2) and the Aviation Safeguarding Plan (Condition 2).

Reason: To ensure that there is a net benefit to the ecological capacity and biodiversity of the site in accordance with Policy SP14 (Biodiversity) in accordance with the Adopted Ryedale Plan- Local Plan Strategy

22. Development shall not commence until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed.

Reason: To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk in accordance with Policy SP17 of the adopted Ryedale Plan- Local Plan Strategy.

23. LLFA C2 - Runoff rate, Storage Requirements and Maintenance – Development shall not commence until a scheme restricting the rate of development flow runoff from the site has been submitted to and approved in writing by the Local Planning Authority. The flowrate from the site shall be restricted to a maximum flowrate of 5 litres per second for up to the 1 in 100 year event. A 40% allowance shall be included for climate change effects and a further 10% for urban creep for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme has been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

Furthermore, should water be required to discharge into water courses, the consent of the IDB will be required, and the discharge must be restricted to 1.4 litres/second/hectare as required by the IDB.

Reason: To mitigate additional flood impact from the development proposals and ensure

that flood risk is not increased elsewhere. To in accordance with Policy SP17 of the adopted Ryedale Plan- Local Plan Strategy.

24. LLFA C5 - Treatment of Surface Water/Pollution Prevention

The development shall not commence until a scheme, detailing the treatment of all surface water flows from parking areas and hardstanding through the use of road side gullies, oil interceptors, reedbeds or alternative treatment systems, has been submitted to and approved in writing by the Local Planning Authority. Use of the parking areas/hardstanding shall not commence until the works comprising the approved treatment scheme have been completed. Roof water shall not pass through the treatment scheme. Treatment shall take place prior to discharge from the treatment scheme. The treatment scheme shall be retained, maintained to ensure efficient working and used throughout the lifetime of the development.

Reason: To prevent pollution of the water environment from the development site. In accordance with Policy SP17 of the adopted Ryedale Plan- Local Plan Strategy.

25. LLFA C6 - Outfall Destination/Impact on network

Development shall not commence until a scheme for the accommodation of additional flows impacting upon the watercourse network have been submitted to and approved in writing by the Local Planning Authority. The scheme shall cater for the impact resulting from the minimum 1 in 100 year return period storm event including a 40% allowance for climate change effects and a further 10% for urban creep for the lifetime of the development. No part of the development shall be brought into use until the works comprising the scheme approved under this condition have been completed (Not applicable to discharge via infiltration).

Reason: To accommodate flows in storm events and allow for future maintenance. In accordance with Policy SP17 of the adopted Ryedale Plan- Local Plan Strategy.

26. LLFA C7 - Exceedance Flow Routes

No development shall take place until an appropriate Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.

Reason: to prevent flooding to properties during extreme flood events and to mitigate against the risk of flooding on and off the site.

27. Details of all external lighting on the site shall be submitted to and approved in writing prior to their implementation, and the so-approved lightening scheme shall be implemented in accordance with the submitted details.

Reason: This area is strongly rural, but with an aviation use proximal. The need to minimise lightening is both to preserve the rural ambience and to protect aviation safety. This is in accordance with Policy SP20 (General Development Management Issues) of the adopted Ryedale Plan- Local Plan Strategy which is concerned with protecting adjacent land uses and

the ambience and character of places.

28. Land contamination

No Development shall begin until an investigation and risk assessment of land contamination has been completed by competent persons and a report of the findings submitted to and approved in writing by the Local Planning Authority. This shall include an appropriate survey of the nature and extent of any contamination affecting the site, and an assessment of the potential risks to human health, controlled waters, property and ecological systems. Reports shall be prepared in accordance with Contaminated Land Report 11 and BS 10175 (2013) Code of practice for the investigation of Potentially Contaminated Sites.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors. This is to ensure compliance with Policies SP17 and SP20 of the adopted Ryedale Plan- Local Plan Strategy.

29. Remediation

Where land affected by contamination is found which poses risks identified as unacceptable, no development or remediation shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved in writing by the local planning authority. The scheme must include proposed remediation objectives and remediation criteria, an appraisal of remedial options and proposal of the preferred option(s), all works to be undertaken, and a description and programme of the works to be undertaken including the verification plan.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors. This is to ensure compliance with Policies SP17 and SP20 of the adopted Ryedale Plan- Local Plan Strategy.

30. Verification

Unless otherwise agreed in writing by the local planning authority, none of the lodges shall be occupied until the approved scheme of remediation has been completed, and a verification report demonstrating the effectiveness of the remediation carried out has been submitted to and approved in writing by the local planning authority. The verification report shall include a description of the works undertaken and a photographic record where appropriate, the results of any additional monitoring or sampling, evidence that any imported soil is from a suitable source, and copies of relevant waste documentation for any contaminated material removed from the site.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors. This is to ensure compliance with Policies SP17 and SP20 of the adopted Ryedale Plan- Local Plan Strategy.

31. Reporting of unexpected contamination

In the event that contamination is found at any time when carrying out the approved

development, that was not previously identified, it must be reported immediately to the local planning authority, and work must cease until an appropriate investigation and risk assessment must be undertaken. Where remediation is necessary, a remediation scheme must be prepared by competent persons and submitted to the local planning authority for approval. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors. This is to ensure compliance with Policies SP17 and SP20 of the adopted Ryedale Plan- Local Plan Strategy.

32. The samples of the external finish of the lodges (walls and roof treatment) shall be submitted to and approved in writing prior to the construction of the lodges. The so-approved finish shall be used on the lodges.

Reason: To ensure that the colour and texture of the timber stained cladding and roof shingles is appropriate and sympathetic the rural character and setting of the lodges, in accordance with Policies SP16 and SP20 of the adopted Ryedale Plan- Local Plan Strategy.