



Decision no: 2016/0141/COU  
(8/17/312G/PA)

## TOWN AND COUNTRY PLANNING ACT 1990 NOTICE OF DECISION

### NOTICE OF DECISION OF PLANNING AUTHORITY ON APPLICATION FOR PERMISSION TO CARRY OUT DEVELOPMENT

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This decision does not constitute approval under the Building Regulations  
Please read notes at the end of this notice

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Condor Projects Ltd  
c/o Mr John Howlett  
John Howlett Planning  
45 Windmill Rise  
York  
North Yorkshire  
YO264TU

The above named council being the Local Planning Authority for the purposes of your application dated 11 February 2016 in respect of the following:

Proposal: Proposed change of use to form grass runway

Location: Birchwood Lodge, Market Weighton Road, Barlby

have considered your said application and have **GRANTED** permission in accordance with the application drawings and particulars subject to the following conditions and reasons:

01. This permission for the use of the land as a runway shall last for a period of 2 years from the date of this permission and the permission is limited to the Condor Projects Ltd.. After a period of 2 years from the date of this permission the use of land as a runways shall be discontinued and the site reinstated to its former use.

**Reason:**

The Planning Authority is prepared to allow the development to be carried out for a limited period having regard to the particular circumstances of this case as set out in the submitted application.

02. The A weighted fast response maximum sound pressure level LAFmax resultant from the take-off or landing of aircraft measured at a distance of 50m from the centre line of the runway shall not exceed 63.2dB.

**Reason:**

To protect the residential amenity of the area.

03. The use of the airstrip shall be limited to Monday to Friday between the hours of 08:00 and 17:00, no take-off or landing manoeuvres shall take place outside the specified times.

**Reason:**

To protect the residential amenity of the area.

04. The airstrip shall not be used for take-off or landing of aircraft for more than 3 days in any one week.

Reason:

To protect the residential amenity of the area.

05. The number of landing and take-off manoeuvres shall not exceed a total of 4 manoeuvres in any one day.

Reason:

To protect the residential amenity of the area.

06. Flights shall take place on no more than 100 days per year.

Reason:

To protect the residential amenity of the area.

07. All flights shall be conducted under CAA e-conditions.

Reason:

To ensure aviation safety.

08. A minimum altitude of 1000m shall be maintained for any flights within 1km of the Lower Derwent Valley SPA/Ramsar and Humber Estuary SPA/Ramsar site.

Reason:

To protect the Lower Derwent Valley SPA/Ramsar and Humber Estuary SPA/Ramsar site.

09. The grass runway, hereby approved, shall not be used for more than a maximum of 100 days in any one calendar year as an airstrip, and the owners/occupiers shall maintain an up-to-date register of the names of all the users of the airstrip, and the dates, times and number of taking off and landing manoeuvres per calendar year. The owners/occupiers shall make this information available at all reasonable times to the Local Planning Authority.

There shall be no use of the airstrip or customers/members of the public on the site outside the hours of (17:00pm in the evening) and (08:00am in the morning) from Mondays to Fridays, nor at any time on Saturday, Sundays and Bank or Public Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

10. The development hereby permitted shall be carried out in accordance with the following approved plans:

- o Landing/Taking off P-104 Rev AB
- o Landing/Taking off P-104 Rev AC
- o Location Plan P-104 Rev A

Reason:

For the avoidance of doubt.

## INFORMATIVES:

### 01. INFORMATIVE:

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraphs 186-187 of the NPPF.

### 02. THE COAL AUTHORITY

The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:

- Collapse of shallow coal mine workings.
- Collapse of, or risk of entry into, mine entries (shafts and adits).
- Gas emissions from coal mines including methane and carbon dioxide.
- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
- Transmission of gases into adjacent properties from underground sources through ground fractures.
- Coal mining subsidence.
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out of their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

*J. Cokeham*

Mr J Cokeham  
Head of Strategic Planning, Policy & Economic Development

*JN* Date: 9 March 2017

## Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice [reference], then if you want to appeal against your local planning authority's decision on your application you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a minor commercial application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

## Purchase Notice

If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by carrying out any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with Part VI of the Town and Country Planning Act 1990.

## Compensation

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on referral of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990.

## Circular 10/82 - Access for the disabled

Section 76 of the Town and Country Planning Act 1990 places a duty on local planning authorities to draw the attention of developers to the relevant provisions of The Chronically Sick and Disabled Persons Act 1970. These sections cover buildings or premises to which the public are to be admitted and to offices, shops, railway premises and factories. These sections require any person providing such premises to make provision, where reasonable and practicable, for the means of access, parking and sanitary conveniences to meet the needs of disabled people.

## NOTE

No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under Building Regulations, of the District Council in whose area where the site of the proposed development is situated; or of obtaining approval under any other Bye-Laws, local Acts, orders, regulations and statutory provisions in force; and no part of the proposed development should be commenced until such further approval has been obtained.