



Report Reference Number 2018/1387/FUL

**To:** Planning Committee  
**Date:** 10th July 2019  
**Author:** Rebecca Leggott (Senior Planning Officer)  
**Lead Officer:** Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2018/1387/FUL	PARISH:	Cliffe Parish Council
APPLICANT:	Condor Projects Ltd	VALID DATE:	11th December 2018
		EXPIRY DATE:	5th February 2019
PROPOSAL:	Proposed erection of single storey extension to main workshop building, forming of new storage area, forming of new workshop and use of runway for any day of the week		
LOCATION:	Birchwood Lodge Market Weighton Road Barlby Selby North Yorkshire YO8 5LE		
RECOMMENDATION:	APPROVE		

This application has been brought back to Planning Committee with the updated officer report to incorporate all amendments to conditions. Furthermore, the 10<sup>th</sup> July 2019 Committee Report for application reference, 2018/1387/FUL has been attached as Appendix 1 and the decision notice for application reference, 2016/0141/COU for the proposed change of use to form a grass runway has been attached to the report as Appendix 2.

**1. Introduction and background**

**Site and Context**

- 1.1 The application site is located outside the defined development limits of any settlement and is therefore located within the open countryside.
- 1.2 The application site comprises land to the north east of Birchwood Lodge. The application site is surrounded by existing buildings at Birchwood Lodge to the west, a grass run-way (granted 2 year temporary planning permission under application

reference 2016/0141/COU) to the north, with open fields beyond, open fields to the east and residential properties to the south.

## **The Proposal**

- 1.3 The application form describes the proposals as the proposed erection of single storey extension to main workshop building, forming of new storage area (Building B), forming of new workshop (Building A) and use of runway for any day of the week.
- 1.4 Following discussions with the applicant and agent the applicant no longer wishes to erect the single storey extension to the main workshop. However, the application is still to consider the forming of a new storage area (Building B), the forming of a new workshop (Building A) and the use of the runway.
- 1.5 In terms of the existing use of the application site, this has permission for a mixed use development by Condor Projects Ltd, mix of uses comprising B1/B2/B8. The site also has permission for the managers dwelling and for disabled accommodation. In addition, the site has been previously granted permission for a 2 year temporary change of use to form a grass runway, which expired on 9th March 2019.
- 1.6 Further to this, from a site visit it is noted that the proposals are part retrospective. During a site visit it was evident works had commenced on the workshop building (Building A). In addition to this a new storage area had been created. However, it should be noted that following discussions with the applicant and agent the proposals for the storage area have been amended and are not retrospective, as it is intended that the existing unlawful storage area will be removed.
- 1.7 The proposed new storage area (Building B) and the proposed new workshop (Building A) would be accessed from an existing vehicular access from Market Weighton Road.

## **Planning History**

- 1.8 The following historical applications are considered to be relevant to the determination of this application.
  - Retrospective application 2007/0408/FUL for the retention of livery stables was approved on 25 May 2007.
  - Application 2012/0248/COU for a proposed change of use of existing buildings for use by Condor Projects Ltd (mix of uses comprising B1/B2/B8) following the demolition of some existing buildings was approved on 21 May 2012.
  - Application 2012/0926/DPC for the discharge of condition 2 (materials) of approval 2012/0248/COU for the change of use of existing buildings for use by Condor Projects Ltd (mix of uses comprising B1/B2/B8) following the demolition of some existing buildings was Part Discharged on 23 November 2012.

- Application 2013/0349/DPC for the discharge of condition 2 (materials) to substitute previously approved materials of approval 2012/0248/COU for the change of use of existing buildings for use by Condor Projects Ltd (mix of uses comprising B1/B2/B8) following the demolition of some existing buildings was Discharged on 8 May 2013.
- Application 2014/0959/FUL for the proposed conversion of existing building to form manager's dwelling and conversion of existing building to disabled living accommodation was Approved on 12 March 2015.
- Application 2015/0763/FUL for the proposed erection of 2m high fence was approved on 11 September 2015.
- Application 2015/0768/FUL for the proposed conversion of building to allow disabled accommodation (amendment to previously approved application 2014/0959/FUL) was approved on 9 December 2015.
- Application 2016/0141/COU for the proposed change of use to form grass runway was approved on 9 March 2017. It should be noted that this permission had a time limit of 2 year. This expired on 9<sup>th</sup> March 2019.
- Application 2017/0528/FUL for the proposed construction of hanger/storage building was refused on 10 November 2017.

## 2. Consultation and Publicity

- 2.1 **Civil Aviation Authority - Aerodromes** – No response within the statutory consultation period.
- 2.2 **North Yorkshire Bat Group** - No response within the statutory consultation period.
- 2.6 **Cliffe Parish Council** – The Parish Council have raised strong objections to the proposed development. The concerns raised relate to the anticipated frequency of aircraft taking off and landing on the runway as no figures are specified within the application and the confirmation of the operational hours of the runway.
- 2.8 **County Ecologist** – NYCC Ecology have raised no objections to the proposed development and have stated that the information provided is satisfactory and conclude that there are unlikely to be any impacts upon legally protected species due to the scale, type and location of the development.
- 2.9 **Barlby and Osgodby Parish Council** - Object to the extensions and increased flying hours, the site is becoming a small industrial estate and causing loss of amenity to neighbouring properties.
- 2.10 **Environmental Health** – Environmental Health have raised no objections to the proposed development subject to a number of conditions and have provided the following comments, the applicant has submitted an updated Noise Impact Assessment (NIA) prepared by Blue Sky Acoustics, dated 28/1/19, reference 182/10/2019. The NIA considers the likely impact on residential amenity in terms of national policies and guidance which are

relevant to the proposed development. The NIA concludes that the proposed use of the grass runway will not exceed the Lowest Observable Adverse Effect Level (LOAEL). That conclusion is based on the existing restriction imposed by conditions attached to decision no: 2016/0141/COU continuing with the exception that the runway can be used on any day.

Therefore the Environmental Health Officer has raised no objections subject to conditions 02, 04, 05 and 06 of decision no: 2016/0141/COU remaining attached and that condition 03 of decision no: 2016/0141/COU is amended to allow the runway to be used between the hours of 08:00 and 17:00 on any day.

2.11 **NYCC Highways Canal Rd** – NYCC Highways have raised no objections to the proposed development.

2.12 **Yorkshire Water** – Yorkshire Water have raised no objections to the proposed development.

2.13 **Selby Area Internal Drainage Board** – The IDB have raised no objections to the proposed development. However, the IDB have commented that the ground conditions may be unsuitable for soakaways. Further to this the IDB have suggested a number of conditions to be attached to any permission granted: (1) If the surface water were to be disposed of via a soakaway system, (2) If surface water is to be directed to a mains sewer system, (3) If the surface water is to be discharged to any watercourse within the Drainage District, (4) No obstructions within 7 metres of the edge of a watercourse and (5) Consent be required from the IDB for surface water discharge into ANY watercourses in, on, under or near the site requires CONSENT from the Drainage Board.

2.14 **The Ouse & Derwent Internal Drainage Board** – The internal drainage board have raised no objections to the proposed development in principle. However, the IDB have made a number of comments. In summary the IDB have requested further information relating too:

- The Sustainable Drainage System which is proposed.
- Providing sufficient information in order to demonstrate that the drainage strategy would decrease the volume and rate of surface water being discharged from the site.
- Details of run off rates.

The IDB have suggested a number of conditions to be attached to any permission granted as follows: (1) Drainage Works to be Agreed, (2) Restricted rate of discharge, (3) Evidence of Existing Surface Water Discharge, (4) Sustainable Drainage System – SUDS (Combined Systems) and (5) Surface Water to Adjacent Watercourse. Further to this a number of informatives have been suggested, as follows: (1) Surface Water Adjacent Watercourse, (2) Consent – Outfall and (3) Consent – Discharge.

2.15 **Natural England** – Natural England have raised no objections to the proposed development subject to a number of conditions: (1) All flights will be conducted under CAA e-conditions and a minimum altitude of 1000m will be maintained for any flights within 1km of the Lower Derwent Valley SPA / Ramsar site and (2) Flights will take place on no more than 100 days per year

We have no objection to this additional planning application if our suggested conditions are also applied in this case.

2.16 **Neighbour Summary** - All immediate neighbours were informed by letter, a site notice was erected and an advert placed in the local press. It is noted that 3 letters of objection were received. In summary these raise concerns for:

- Noise disturbance, increased vehicle movement and disturbance from testing aeroplanes;
- Traffic and highway safety, due to increased vehicle movements. Including concerns for the ownership of the access track running in front of 1 & 2 the Oaks;
- Overlooking and loss of privacy, due to increased visitors to the site;
- Over development of the site;
- Lack of visual amenity;
- Loss of views of the open countryside and limited screening by the willow trees in place;
- Boundary treatments causing issues such as attracting wasps;
- Burning rubbish on site;
- Flying outside of hours;
- Development in the green belt; and
- Health implications of the pollution generated by the site.

It should be noted that the application site is not located within the green belt. In addition concerns relating to burning rubbish and wasps are not for consideration within this application.

The access track in front of 1 and 2 the Oaks has been removed from the redline boundary and the application in response to the concerns raised regarding ownership.

### 3. **Site Constraints and Policy Context**

#### **Constraints**

3.1 The application site is located outside the defined development limits of any settlement and is therefore located within the open countryside. The application site is located within Flood Zone 1.

#### **Policy Context**

3.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.

3.3 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by

the direction of the Secretary of State and which have not been superseded by the Core Strategy.

3.4 The National Planning Policy Framework (February 2019) (NPPF) replaced the July 2018 NPPF, first published in March 2012. The NPPF does not change the status of an up to date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2019 NPPF.

3.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

“213. ....existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

3.4 The principal Core Strategy Local Plan Policies are:

- SP1 – Presumption in Favour of Sustainable Development
- SP2 – Spatial Development Strategy
- SP13 – Scale and Distribution of Economic Growth
- SP15 – Sustainable Development and Climate Change
- SP18 – Protecting and Enhancing the Environment
- SP19 – Design Quality

3.5 Policy SP1 of the Core Strategy outlines that *"when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework"* and sets out how this will be undertaken. Policy SP1 is therefore consistent with the guidance in Paragraph 11 of the NPPF in relation to the presumption in favour of sustainable development and decision taking.

3.6 Development in the countryside is limited in SP2 to the replacement or extension of existing buildings, the re-use preferably for employment and well-designed new buildings of an appropriate scale which would contribute towards and improve the local economy.

3.7 Policy SP19 promotes high quality design and provides that development proposals should have regard to local character, identity and context including being accessible to all.

### **Selby District Local Plan**

3.8 The relevant Selby District Local Plan Policies are:

- ENV1 – Control of Development
- EMP2 – Location of Economic Development
- EMP9 – Expansion of Existing Employment Uses in Rural Area

- T1 – Development in Relation to the Highway Network

#### **4. Appraisal**

4.1 The main issues to be taken into account when assessing this application are:

- Principle of Development
- Design and Impact on the Character and Appearance of the Area
- Impact on Residential Amenity
- Impact on Highway Safety
- Nature Conservation and Protected Species
- Flood Risk and Drainage

##### **The Principle of the Development**

4.2 Policy SP1 of the Core Strategy outlines that "when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken.

4.3 Policy SP1 is therefore consistent with the guidance in Paragraph 11 of the NPPF.

4.4 Policy SP15 (B) of the Core Strategy states that to ensure development contributes toward reducing carbon emissions and are resilient to the effect of climate change schemes should where necessary or appropriate meet 8 criteria set out within the policy.

4.5 Whether it is necessary or appropriate to ensure that schemes comply with Policy SP15 (B) is a matter of fact and degree depending largely on the nature and scale of the proposed development. Having had regard to the nature and scale of the proposal, it is considered that its ability to contribute towards reducing carbon emissions, or scope to be resilient to the effects of climate change is so limited that it would not be necessary and, or appropriate to require the proposals to meet the requirements of criteria of SP15 (B) of the Core Strategy.

4.6 Therefore having had regard to Policy SP15 (B) it is considered that the proposal is acceptable.

4.7 Policy SP2 (c) of the Core Strategy states that "Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10, or other special circumstances)".

4.8 Policy SP13 of the Core Strategy states that in rural areas, sustainable development which brings about sustainable economic growth through local employment opportunities or expansion of businesses and enterprise will be supported, including (amongst other things) the re-use of existing building

and infrastructure and the development of well-designed new buildings. In all cases development should be sustainable and be appropriate in scale and type to its location, not harm the character of the area, and seek a good standard of amenity.

- 4.9 Policy EMP9 of the Selby District Local Plan relates to the expansion of existing employment uses in rural areas and sets out that proposals for the expansion and/or redevelopment of existing industrial and business uses outside development limits and established employment areas, as defined on the proposals map are acceptable in principle, subject to four criteria which will be assessed later in this report.
- 4.10 The application is for the retrospective forming of a new storage area (Building B), the part retrospective forming of a new workshop (Building A) and the proposed use of the runway for any day of the week. The proposed building would be used in association with the existing use of the site which has permission for B1/B2/B8. The site is currently occupied by Condor Aviation, the applicant states within the submitted documents that Condor Aviation are, the leading company in the UK for experimental aircraft and are among the world leaders in the use of radial engines in sport aircraft. The information submitted in support of the application sets out that the proposals would create a further 10 jobs on site.
- 4.11 In terms of the need for the proposals the applicant has advised that the aircrafts need to be stored inside, as opposed to outside, as the aircraft are either fabric covered or of composite and would be damaged by weather if they were to be stored outside during the winter.
- 4.12 In respect of the proposed new storage building (B), this would be located to the far east of the site would consist of a timber clad portal frame building with green corrugated metal sheeting on the top. This would measure, 23 metres in width by 14 metres in depth and would have an eaves height of 3 metres and ridge height of 3.8 meters from the existing ground floor level. This would replace an existing unlawful building constructed from 4 shipping containers.
- 4.13 In respect of the part retrospective workshop (A), this would be sited to the South West corner of the site. This would be in an area to the rear of an existing commercial garage outside the application site and would be a combination of three green corrugated metal containers. These would be joined in an L- shaped form to measure a maximum of 18.4 metres in width by 8.6 metres in depth and would have a ridge and eaves height of 3 metres above the existing ground floor level.
- 4.14 In respect of the proposed use of the run way any day of the week. Following consultations restrictions would be imposed to state that the flights could occur on a maximum of 100 days of the year, with a no fly zone of 1000ft. Further to this, working hours would be imposed for flights only for use between the hours of 08:00 and 17:00 on any day.
- 4.15 Where the proposed scheme may be acceptable in principle it would be required to meet the policy tests set out in in Local Plan Policy EMP9 (1), (2), (3), (4) and all other relevant local and national policy tests.



- 4.16 The impact on acknowledged interests against the above policy tests is considered in the following parts of the report, including the issue of scale.

### **Design and Impact on the Character and Appearance of the Area**

- 4.17 Relevant policies in respect of design and impact on the character of the area include Policies ENV1 (1) and (4) and EMP9 of the Selby District Local Plan and Policy SP19 "Design Quality" of the Core Strategy. Significant weight should be attached to the Local Plan Policies ENV1 and EMP9 as they are broadly consistent with the aims of the NPPF. Relevant policies within the NPPF, which relate to design, include paragraphs 124, 127, 128, 130 and 131.
- 4.18 The application site is located outside the defined developments of any settlement and is therefore located within the open countryside. The application site comprises land to the north east of Birchwood Lodge. The application site is surrounded by existing buildings at Birchwood Lodge to the west, a grass run-way (granted temporary planning permission under application reference 2016/0141/COU) to the north, with open fields beyond, open fields to the east and residential properties to the south.
- 4.19 The proposals are for the forming of a new storage area (B), the part retrospective forming of a new workshop and the proposed use of the runway for any day of the week.
- 4.20 The comments of the occupiers of the neighbouring properties in relation to the part retrospective development have been noted.

#### **Proposed New Storage Area (Building B)**

- 4.21 In respect of the proposed new storage building (B), in terms of appearance and scale it is noted that the scheme would be relatively large in footprint and the height of the proposed development is relatively low with a ridge height of 3 metres. However, the proposals would reflect the character and appearance of the area as it would be designed to look like a typical agricultural outbuilding. Therefore the proposed development would be appropriate to the locality. Further to this, the materials to be used in the construction of the proposed scheme would be simple and traditional materials, as detailed on the proposed elevations, drawing No. 18-114 P-005 A.
- 4.22 While the building would be visible in views from Market Weighton Road, by reason of its limited height and being situated to the rear of an existing fence, it is considered that these views would not have any significant adverse impact on the character and appearance of the surrounding area. Whilst a location closer to the existing buildings would be desirable, the location is in part for the operational reasons in relation to manoeuvring the aircraft and in part to address concerns raised by neighbours. Furthermore, having regard to the context of the site, it is not considered that the proposal would be unduly visually intrusive within the open countryside.
- 4.23 In terms of landscaping and boundary treatments, all existing boundary treatments are to be retained as seen on site. Details of an additional scheme of landscaping could be secured by way of condition.

- 4.24 In considering the proposals for the new storage area it is considered that this would comply with criteria 3 of Policy EMP9 relating to high standard of design.

#### Retrospective Workshop (Building A)

- 4.25 In respect of the part retrospective workshop (A), this is suitably located on the site within the main cluster of buildings and set against the western boundary of the site. Further to this the materials to be used in the construction of the proposed scheme would be green painted metal shipping containers.
- 4.26 There would be limited views of the building from outside of the site due to the siting of a number of existing oak trees. It is noted that the retrospective building would be within close proximity to these trees. However, given the building would be located on an area of already compacted ground as stated within the supporting statement submitted by the applicant it is not considered that there would be an significant adverse impacts on these oak trees.
- 4.27 In considering the part retrospective workshop (A), whilst there are limited views of the proposed development, it is not considered that its design would reflect the character and appearance of the area by reason of its design. The applicant has advised that the development is necessary for the existing business on the site. It is therefore recommended that permission for this building be limited to a 3 year period to enable consideration of a more appropriately designed building which would be of a higher design standard in order to comply with criteria 3 of Policy EMP9.
- 4.28 In considering the proposal for the temporary workshop (A) area it is considered that this would not comply with criteria 3 of Policy EMP9. However, it should be noted that the proposed development is required to support an existing business in line with policy SP13C of the Selby District Core Strategy and paragraphs 83 and 84 of the NPPF. Therefore, for these reasons and the business need this could be conditioned to be a temporary permission for 3 years.

#### Retrospective use of the Runway

- 4.29 In respect of the proposed use of the runway, the grass landing strip was originally created under Permitted Development Rights and has a nominal impact on the character and appearance of the area. In terms of its visual impact, the proposed airfield is well integrated into the landscape and is not harmfully prominent, intrusive or incongruous in its setting. Therefore, it is considered to be acceptable and would not have a detrimental impact on the character of the area.
- 4.30 In considering the proposal for the use of the runway it is not considered that this would have any impacts in terms of the character and appearance of the area.
- 4.31 Having regard to the above, it is considered that the proposed scheme would have an acceptable siting, design and appearance and would not have any

significant adverse impact on the character and appearance of the area in accordance with Policies ENV1 (1) and (4) and EMP9 of the Selby District Local Plan, Policy SP19 of the Core Strategy and policies within the NPPF.

### **Impact on Residential Amenity**

- 4.32 Relevant policies in respect to impact on residential amenity include Policies ENV1 (1) and (4) and EMP9 of the Selby District Local Plan and Policy SP19 "Design Quality" of the Core Strategy. In respect of the NPPF it is noted that one of the Core Principles of the framework is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 4.33 The comments of the occupiers of the neighbouring properties in relation to the impacts of the proposed development on residential amenity are noted.
- 4.34 In respect of the proposed new storage building (B), given the size, siting and design of the proposed building and its relationship to neighbouring residential properties, while the proposed building would be visible from neighbouring properties, given the separation distance of 90 metres it is considered that the proposal would not have an oppressive appearance when viewed from any neighbouring residential properties. Further to this any visual impact is further reduced by the low scale of the buildings the existing fence and the planting that has taken place.
- 4.35 In respect of the part retrospective workshop (A), given the size, siting and design of the building and its relationship to neighbouring residential properties, the building is not visible from neighbouring properties and given the separation distance of 34 metres it is considered that the proposal would not have an oppressive appearance when viewed from any neighbouring residential properties.
- 4.36 In terms of the use for the storage and workshop buildings it is not considered that they would introduce any new uses on the site given the existing permission for B1/ B2/ B8. Though it is considered reasonable to condition no external storage.
- 4.37 In respect of the proposed use of the runway given the size, siting and design of the proposal and its relationship to neighbouring residential properties, there are no physical changes as this is a grassed runway. Furthermore, given the separation distance of 107 metres it is considered that the grass runway would not be visible from any neighbouring residential properties.
- 4.38 Overall given the siting of the proposed scheme and surrounding residential properties, it is considered that the proposal would not result in any adverse effects of overshadowing so as to have any adverse effects on the amenities of the occupiers of any neighbouring properties.
- 4.39 In addition, the Environmental Health Officer has been consulted on the proposals. The Environmental Health Officer initially raised concerns regarding the noise impacts of the development and the necessary mitigation measures. However, following additional information submitted by the applicant, Environmental Health have raised no objections subject to the

following conditions being attached to any permission granted: (1) Take-off or landing aircraft speed and distance, (2) airstrip use not more than 3 days per week, (3) Not more than 4 landing and take-off manoeuvres per day, (4) flights to take place on not more than 100 days per year and (5) Working hours 08:00- 17:00 any day.

- 4.40 Further to the above a condition could be attached to any planning permission granted, restricting the use of the runway as such, in the interests of the amenities of neighbouring properties.
- 4.41 Subject to the aforementioned condition, it is considered that the proposal is acceptable in terms of its impact on residential amenity in accordance with Policies ENV1 (1) and (4) and EMP9 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained with the NPPF.

### **Impact on Highway Safety**

- 4.42 Policies in relation to highway safety are Policies ENV1 (2), T1 and EMP13 (3) of the Local Plan and Policy SP19 of the Core Strategy and paragraphs 34, 35 and 39 of the NPPF
- 4.43 The comments of the neighbouring properties are noted.
- 4.44 The proposal would use an existing access and would not alter any existing parking arrangements within the site. North Yorkshire County Council Highways have been consulted on the application and have not raised any objections to the proposals. NYCC Highways have raised no objections to the proposed development.
- 4.45 Having regard to the above, it is considered that the proposal would not result in a detrimental impact on highway safety in accordance with Policies ENV1 (2), T1 and EMP9 (1) of the Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

### **Nature Conservation and Protected Species**

- 4.46 Relevant policies in respect of nature conservation and protected species include Policies ENV1 (5) and EMP9 (2) of the Selby District Local Plan and Policy SP18 "Protecting and Enhancing the Environment" of the Core Strategy.
- 4.47 Significant weight should be attached to Local Plan Policies ENV1 and EMP9 as they are broadly consistent with the aims of the NPPF, specifically section 15. "Conserving and enhancing the natural environment".
- 4.48 Protected species include those protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010. The presence of protected species is a material planning consideration.
- 4.49 A Great Crested Newt Survey undertaken by Wold Ecology Ltd, dated July 2017, has been submitted with the application. The survey states that two ponds have been identified within 500 metres of the application site and that no known great crested newts populations were recorded within 500 metres

of the application site. Further, the survey sets out that the surrounding arable landscape significantly hampers great crested newt dispersal into the area, without the aid of humans. In conclusion, Wold Ecology does not recommend any further great crested newt survey work at the site and do not suggest any mitigation measures.

- 4.50 It should be noted that NYCC Ecology have been consulted on this application. However, the county ecologist has raised no objections to the proposed development.
- 4.51 Having regard to the above, it is considered that the proposed development is acceptable in respect of nature conservation and protected species and is therefore in accordance with Policies ENV1 (5) and EMP9 (2) of the Selby District Local Plan, Policy SP18 of the Core Strategy and the advice contained within the NPPF.

### **Flood Risk and Drainage**

- 4.52 The application site is located within Flood Zone 1, which has a low probability of flooding.
- 4.53 In terms of drainage, the submitted application form states that surface water would be disposed of via sustainable drainage system. However, no details of this have been supplied. Further to this, no details have been provided in terms of foul water drainage.
- 4.54 The Ouse and Derwent Internal Drainage Board and Yorkshire Water have been consulted on the proposals. The Ouse and Derwent Internal Drainage Board have advised that they have no objections to the proposals subject to a condition requiring drainage works to be agreed, amongst other conditions. It is considered the attaching the condition requiring drainage works to be agreed as part of any planning permission is sufficient for the purposes of this application.

## **5. Conclusion**

- 5.1 This type of development for the expansion of an existing business use is supported by the NPPF and in development plan policy and EMP9 of the Core Strategy. Though it is noted that the part retrospective workshop would not accord with criteria (3) of Policy EMP9, it is considered acceptable in all other respects. Therefore, it is considered reasonable to condition this as temporary for a period of 3 years to allow for an improved design to be submitted. Furthermore, it is considered that the NPPF is a material consideration and in line with Paragraph 83 and 84 of the NPPF relating to the expansion of all types of business in rural areas and the recognition of business and community needs in rural areas would be acceptable.
- 5.2 Furthermore, it is noted that the proposed development is considered to propose economic benefits through the creation of 10 new jobs. Therefore, the proposals provide some economic benefits to the rural community and economy.
- 5.3 Therefore subject to the conditions set out below, this application complies with the up to date Framework guidance and with, principally SDLP Policy

EMP9 and compliance with the conditions would create a scheme in compliance with the development plan.

## **6. Recommendation**

This application is recommended to be APPROVED subject to the following conditions:

01. Notwithstanding the proposed 'Building A proposed workshop' as shown on plan reference 18-114 P-001 C the development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason:

In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

02. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

Location Plan – 18-114 S-002 A

Existing Site Plan – 18-114 S-001 A

Proposed Site Plan - 18114\_P-001 C

Proposed Workshop Floor Plan and Elevations - 18114\_P-004A

Proposed Storage Area Floor Plan and Elevations - 18114\_P-005A

Reason:

For the avoidance of doubt.

03. Building A as shown on plan reference, 18114\_P-004A shall only be retained for a period of 3 years and shall only be used as a workshop and shall not at any time be used for any other purpose. There after the building shall be removed from the site.

Reason:

In the interest of residential amenity and in order to comply with Policies ENV1 and EMP9 of the Selby District Local Plan.

04. The development relating to Building B here by approved as shown on the proposed plans shall only be used for the storage of aircraft and shall not at any time be used for the maintenance or repair of aircraft, or for any other purpose. Furthermore, there shall be no external storage of air craft parts within the application site.

Reason:

In the interest of residential amenity and in order to comply with Policies ENV1 and EMP9 of the Selby District Local Plan.

05. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as stated on drawing numbers 18114\_P-004A and 18114\_P-005A . Only the approved materials shall be utilised.

Reason:

In the interests of visual amenity and in order to comply with Policies ENV1 and EPM9 of the Selby District Local Plan.

06. A scheme of landscaping and boundary treatment should be submitted to and approved by the local planning authority prior to the development first being brought into use. There after the scheme of landscaping shall be maintained for a period of 5 years.

Reason:

In the interests of visual and residential amenity and in order to comply with Policies ENV1 and EPM9 of the Selby District Local Plan.

07. A scheme of drainage should be submitted to and approved by the local planning authority prior to the development first being first brought into use. This should include details of discharge rates, the existing surface water discharge and details of the Sustainable Drainage System – SUDS (Combined Systems) and any surface water to adjacent watercourse.

Reason:

To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding.

08. The use of the airstrip shall be limited to 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.

9. Flights shall take place on no more than 100 days per year of which the airstrip shall not be used for the take-off or landing of aircraft on more than 3 days in any one week. The number of landing and take-off manoeuvres shall not exceed a total of 4 manoeuvres in any one day. Furthermore, flight logs shall be retained and made available upon request.

Reason:

To protect the residential amenity of the area.

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

Reason:

To ensure aviation safety.

11. A minimum altitude of 1000m shall be maintained for any flights within 1km of the application site, Lower Derwent Valley SPA/Ramsar and Humber Estuary SPA/Ramsar site, except during landing and take-off.

Reason:

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

## **7. Legal Issues**

### **7.1 Planning Acts**

This application has been determined in accordance with the relevant planning acts.

### **7.2 Human Rights Act 1998**

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

### **7.3 Equality Act 2010**

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

### **7.4 Financial Issues**

7.5 Financial issues are not material to the determination of this application.

### **7.6 Background Documents**

7.7 Planning Application file reference 2018/1387/FUL and associated documents.

**Contact Officer:** Rebecca Leggott