

**Parish: Bagby**  
Ward: Bagby & Thorntons  
**3**

Committee Date : 27 May 2021  
Officer dealing : Mr Craig Allison  
Target Date: 1 June 2021 (EOT Agreed)

**21/00081/FUL**

**Retrospective application for the construction of an access road off Bagby Lane to provide access to the Airfield**  
**At: Land to the North of the Airfield, Bagby, North Yorkshire**  
**For: Mr M Scott**

**The proposal is presented to Planning Committee as the site is of significant public interest**

### **1.0 Site, context and proposal**

- 1.1 Bagby Airfield occupies a piece of land to the south and south west of the village of Bagby. The land lies east of the A19 and is currently accessed via a newly constructed access track that leaves the Main Street of Bagby to the west of the village. The site is within 200m of the edge of the village of Bagby.
- 1.2 The Airfield occupies 15.6 hectares. The land is in use for the purposes of operating an airfield. Some of the surrounding land is fallow and other parts of the application site continue to be used for arable agricultural purposes.
- 1.3 Boundaries to the land around the Airfield are formed by hedges of varied species and heights. The north, south and west boundaries have substantial hedges, the eastern end of the airfield is not fully bounded by hedgerows. Local landform allows some views of the central and western end of the airfield from viewpoints to the west but changes in ground levels, hedgerows and trees shield the remainder of the airfield from public view.
- 1.4 In addition to the relationship with Bagby, there are dwellings to the south west, south and south east of the application site and notably in the vicinity of the village of Great Thirkleby that are potentially affected by activities at the airfield (in particular noise).
- 1.5 Beyond the boundaries of the application site of the Airfield the land is in agricultural use except for the children's play area which is located to the northern edge of the site. The play area incorporates fixed pieces of equipment some of them raised above ground level as well as seats and landscaped grounds to provide a high quality of visual as well as recreational amenity to the play area. The recreational facilities include equipment and facilities to cater for a range of ages from the young child to teenager.
- 1.6 Planning permission was granted on the 30 July 2019 under planning reference 16/02240/FUL, the developments on the Airfield including a new access and access track into the Airfield is detailed in full at 2.1 below. The applicant is seeking retrospective planning permission due to the new access having been built in the incorrect position. It has been constructed approximately 8 metres to the east of the

approved position. The newly constructed access road near the Bagby Lane junction is 5.8 metres wide kerb to kerb at the hedgerow and then is between 4.5-5.5 metres wide thereafter. The new access drive is 366 metres long and follows the northern and eastern boundaries of the agricultural fields. The internal access road is built approximately 12 metres away from the children's play area. The access is constructed out of tarmac for approximately 10 metres into the site and then the remaining drive is constructed of hardcore and concrete. To ensure suitable visibility onto Bagby Lane, the hedgerows to the west of the access point would need to be removed and replanted. This would be carried out in the next available planting season subject to the applicant gaining planning permission.

- 1.7 The consented access took a diagonal alignment across the field which meant the farm traffic would need to cross the drive. The consented arrangement also had implications for crop maintenance due to having to cross a road within the middle of the agricultural field. The decision was therefore taken to re-route the drive alignment around the boundaries of the field.
- 1.8 The application seeks to regularise the access drive that provides the new access for Bagby Airfield.
- 1.9 The development falls below the thresholds of Schedule 1 and 2 of the EIA Regulations (10(f) the area of the works does not exceed 1 hectare) and an Environmental Statement is not required.

## **2.0 Relevant planning history**

- 2.1 16/02240/FUL - Change of use and external alterations of the engineering building to be used as a clubhouse and control tower, erection of a new tractor shed, erection of a new hangar, formation of a new access drive, the introduction of hard and soft landscaping and amended on 14 March 2018 to include the creation of a fixed fuel facility and the use of Hangar B for aircraft maintenance. Works include the demolition of the existing clubhouse, control tower, hangars and storage buildings and partial demolition of one other hangar. Air Movements to be capped at a maximum of 8,440 per annum. – Approved 30 July 2019.
- 2.2 18/00524/FUL - Retrospective application for the temporary siting of a portable aircraft engineer's office and document storage cabin – Approved 30 July 2019.
- 2.3 20/00766/MRC - Application for variation of condition 1 for approved application 18/00524/FUL - The condition to be varied to extend the date to which the planning permission is valid until for one year from the approval of this application, or upon completion of Hangar B. – Approved 5 June 2020. The temporary planning permission expires on the 5 June 2021.
- 2.4 20/02531/FUL - Retrospective application for resurfacing of runway from geo textile track to concrete surface and the creation of a turning circle North East of the runway to concrete – Pending Consideration.
- 2.5 21/00668/FUL - Retrospective extension to Hangar A and proposed hard standing adjacent to Hangar A – Pending Consideration.

2.6 21/01058/FUL - The retention of 2 temporary hangers on site for a use for aircraft storage and ancillary storage of airfield machinery and equipment for a period of 24 months – Pending Consideration.

### **3.0 Relevant planning policies**

3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

3.2 Relevant policies of the Development Plan and any supplementary planning policy advice are as follows;

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP1 - Protecting amenity

Development Policies DP3 - Site accessibility

Development Policies DP4 - Access for all

Development Policies DP9 - Development outside Development Limits

Development Policies DP30 - Protecting the character and appearance of the countryside

3.3 Hambleton emerging Local Plan was considered at Examination in Public during Oct-Nov 2020. Further details are available at <https://www.hambleton.gov.uk/localplan/site/index.php>  
The Local Planning Authority may give weight to relevant policies in an emerging plan as advised in paragraph 48 of the NPPF.

### **4.0 Consultations**

4.1 Bagby & Balk Parish Council - Have objected to the application stating that the access road now runs around the perimeter of the play park which creates a health and safety concern. The Parish Council have also stated that the track is more of a road with no passing places and has clearly been designed to take much larger vehicles.

4.2 Highways Authority – Have stated that the access has been constructed in accordance with their standards and therefore have no objection to the proposal.

4.3 MOD Safeguarding – No objections.

4.4 Bagby & Balk Village Society - Have objected to the application as the road currently passes by the local play park and no duty of care has been considered for

the users of the play park. With potential of traffic passing the site maybe 100 times or more this would affect the amenity and safety of users of the play park.

4.5 Natural England – No objections.

4.6 Public comments – A site notice has been displayed and neighbours consulted. No representations have been received.

## **5.0 Analysis**

5.1 The main issues to consider are: (i) the principle of relocating the access road within the site and the repositioning of the access road onto Bagby Lane; (ii) the impact of the development on the character and appearance of the area; (iii) the impact of the development on the safety of children in the playground and the amenity of the area and (iv) the impact of the development on highway safety.

### **The Principle of Development**

5.2 Policy CP1 of the Core Strategy states development that would significantly harm the natural or built environment or that would generate an adverse traffic impact will not be permitted. Proposals would be supported if they promote and encourage sustainable development.

5.3 The current access drive to the Airfield is in the confines of Bagby village. It was demonstrated in the application approved (reference no: 16/02240/FUL) that an access serving the Airfield out of the village was more appropriate as it reduces the number of (particularly large) vehicles entering the village, avoided large vehicles passing through a restricted access that causes over-run of verges, avoided (particularly large) vehicles passing between residential properties, avoiding vehicles crossing the footway that links the village from the playpark and was acceptable in highway terms. The principle of providing an access point on to Bagby Lane in a similar location has been accepted previously and found compliant with planning policy. The changes in local and national policies since the determination of the application has not significantly changed the assessment of the 2016 application. In principle the proposal is considered to be acceptable.

### **The Impact on the character of the surrounding area**

5.4 Policy CP16 of the Core Strategy states that development or other initiatives will be supported where they preserve and enhance the District's natural and man-made assets, development or activities will not be supported which have a detrimental impact upon the interests of natural or man-made asset.

5.5 Policy CP17 of the Core Strategy states that support will be given for proposals that are consistent with the LDF's detailed design policies and meet all the following requirements: provide an attractive, functional, accessible, safe and low maintenance development; respect and enhance the local context and its special qualities, including urban design, landscape, social activities and historic environment, incorporate public art where appropriate; optimise the potential of the site; adopt sustainable construction principles.

- 5.6 Policy DP30 of the Development Management Policy states that the openness, intrinsic character and quality of the District's Landscape will be respected and where possible enhanced.
- 5.7 The access drive is functional and provides for access to the Airfield. It has been constructed to be low maintenance and is constructed of typical materials which respect the countryside locality. The new access route alignment bounds the field's boundary and therefore respects the character of its local context to a greater extent than the consented access drive. The drive alignment also optimises the potential use of the agricultural field by not cutting it in half as the consented access track did. It is considered that the proposed development for the access track does not cause any harm to the character and appearance of the locality. Positioning the access track around the field boundary (rather than cutting through the field) is more appropriate. Furthermore, to ensure the landscape and biodiversity measures are met a suitable condition is to be imposed to ensure further landscaping details are provided to improve the number of indigenous species within the area.

### **Impact on safety of amenity of the area**

- 5.8 Policy DP1 states that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight.
- 5.9 The access drive is located outside the confines of Bagby Village. It does not have any lighting. There would not be increased noise or disturbance to residents in Bagby village through use of the access track in its current location as compared with its consented position.
- 5.10 The Planning Report in respect of the consented planning application noted that:
- “The proposed access is considered to be of benefit to users of the play park that is east of the proposed access and residents through a reduction of traffic passing the play park and homes, particularly a benefit through the reduction of large heavy vehicles using the stretch of the current access from the village street that runs between back gardens.”*
- 5.11 It is noted that the access road has been built 12 metres away from the boundary edge of the play area. Comments have been received stating that the access road close to the play area would affect the safety and amenity of users of the play area. However, the play area is bounded by an existing conifer hedgerow which is approximately 3 metres in height and no gaps are evident within the hedgerow so as to give rise to any significant risk of children running onto the access road. Currently the access track is now gated to limit its use to only users of the Airfield. This is an improvement for the safety of users of the play area. Incoming traffic to the Airfield from the A19 does not cross the pedestrian access to the play area, also furthermore the access point does not go through the confines of the village. Although still passing the play area, the speeds obtained by vehicles on this access road would be low and is not a safety issue to users of the play area.

## **Impact on highway safety**

- 5.12 Policy DP3 of the Council's Development Plan states that all proposals for new development must include provision for sustainable forms of transport to access the site, and within the development.
- 5.13 Policy DP4 states that development proposals must ensure that safe and easy access is available to all potential users regardless of disability, age or gender. Proposals must identify all possible barriers to access by different users and demonstrate where appropriate how specific measures have been incorporated to ensure high standards of access for all.
- 5.14 It is considered that, taking a balanced view the proposal complies with the requirements of the Local Development Framework Policies CP2 and DP4. The impacts of the proposal on highway safety and the impacts on the road network would not be severe and the proposal therefore also meets the requirements of NPPF in this respect.
- 5.15 North Yorkshire County Council (Highways Authority) have been consulted on the application and have stated that the access point onto Bagby Lane has been constructed in accordance with the County's standards and therefore the Highway Authority has no objection to the proposal. It has been further raised by Bagby and Balk Parish Council that the access road does not have adequate passing places on to enable two vehicles to pass each other on the access road safely. The road constructed has sufficient width for two vehicles to pass through almost all of its length. Therefore, passing places are not required.

## **Planning balance**

- 5.16 The access drive proposed to be retained seeks to replace the approved access drive off Bagby Lane which was to be located approximately 8 metres east of the development subject to this application. The principle of an access to Bagby Airfield from Bagby Lane on this agricultural land has been approved previously. The built access drive respects the character of the landscape to a greater degree by flanking the boundary of the agricultural field and has been designed and constructed in accordance with the relevant NYCC Highway Authority design standards. It is considered that the proposal would not have a significant impact on the safety and amenity of users of the play area nor on highway safety. It is therefore considered that the development is in accordance with the Council's Local Plan Policies and the overarching principles of the NPPF.

## **6.0 Recommendation**

That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s):

1. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered General Arrangement (Drawing Number: 19-410-100-001 Rev A); Construction Details (Drawing Number: 19-410-100-002); Red Line Boundary (Drawing Number: 19-410-100-003); received by Hambleton

District Council on 12 January 2021; unless otherwise approved in writing by the Local Planning Authority.

2. Any gates or barriers shall be erected a minimum distance of 15 metres back from the carriageway of the existing highway and shall not be able to swing over the existing highway. No gate shall be installed other than in accordance with a scheme previously approved in writing by the Local Planning Authority.
3. Within three months of the date of this decision the access shown on drawing number 19-410-100-001 Rev A until splays are provided giving clear visibility of 120 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. 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.
4. No external lighting for the access or access road shall be provided other than in accordance with the details that have previously been submitted to and approved in writing by the Local Planning Authority.
5. Within three months of the date of this decision a scheme of landscaping planting that is to include the planting of indigenous species hedgerows shall be completed in accordance with the details previously submitted to and approved in writing by the Local Planning Authority.
6. Within six months of the date of this decision the details provided within condition five shall be implemented.

The reasons are:-

1. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP16, CP17 and DP30.
2. In accordance with Local Development Framework Policies CP1 and DP1 an in the interests of highway safety.
3. In accordance with Local Development Framework Policies CP1 and DP1 an in the interests of highway safety.
4. In accordance with Local Development Framework Policies CP1, CP16, DP1 and DP30 to safeguard the amenity of the local population and the environment from the adverse of light pollution.
5. In order to ensure that the landscape and biodiversity mitigation measures are achieved in accordance with Local Development Framework Policies CP1, CP16 and DP31.

6. In order to ensure that the landscaping is implemented on site to ensure that the landscaping and biodiversity mitigation measures are achieved in accordance with Local Development Framework Policies CP1, CP16 and DP31.