

## COMMITTEE REPORT

**Committee:** Planning Committee      **Ward:** Heslington  
**Date:** 24 April 2008      **Parish:** Elvington Parish Council

**Reference:** 04/04316/FULM  
**Application at:** Elvington Airfield Elvington Lane Elvington York  
**For:** Erection of aircraft hangars (resubmission)  
**By:** Elvington Park Ltd  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 21 April 2005

### 1.0 PROPOSAL

1.1 This proposal has a long planning history and is now subject of an appeal against non-determination by the Council. In such circumstances it is no longer possible for the Council to determine the application. The purpose of this report is to establish the formal attitude of the Committee to the proposal, for use in the forthcoming Public Inquiry.

1.2 The Council does not agree that an appeal is appropriate at this stage, as requests for information are still outstanding. It has made representations to the Planning Inspectorate accordingly. Any development on the matter will be reported to the committee.

1.3 Elvington Airfield was completed as a military airfield in 1942. It holds a very long runway of about 3100m, which is still in use for flying and also for other activities. Adjacent is the Yorkshire Air Museum, which uses many of the former airfield buildings but is not part of the application site.

1.4 Government use of the airfield, including by the RAF, ceased in 1992. In 2000 the Ministry of Defence sold it to Elvington Park Limited. When still owned by the MoD a variety of different uses including aviation took place (see 3.27). These were operated under a "gentlemen's agreement" with the Council, initially Selby District Council, and later York. All these uses were permitted by the MoD as landowner.

1.5 The application site is restricted to the airfield runways and their immediate environs. It is very flat. There are some trees nearby, both single and, further north, the large block of Grimston Wood. The location for the hangars is on the north side of the runway. There are no buildings on or near the site of the proposed hangars at present.

1.6 The nearest large group of buildings are at Langwith Lodge, about 800m north west, Dodsworth Farm, about 800m to the south, the Yorkshire Air Museum 1200m to the east and warehouses in Brinkworth Rush (The Elvington Airfield Industrial Estate) again about 1200m to the south east. The built-up parts of Elvington village start at about 2km distance.

1.7 The current application was received in December 2004 and validated in January 2005. Important amendments were made in September 2006.

1.8 It follows an application submitted in 2003, 03/01377/FUL, which was for almost identical development. It was withdrawn before determination (see 1.45).

1.9 The agents for the present application were initially Spawforth Associates, Planning Consultants. There was no agent for the previous application. In 2006 a separate Planning Consultancy became involved: Kember, Loudon, Williams (KLW). Mr Kember is a planner specialising in aviation. In 2007 KLW formally replaced Spawforths as agent.

1.10 Following the participation of KLW the submitted plans and drawings were superseded and three further reports were submitted, as explained in 1.19.

1.11 The buildings subject to this application would be in two groups. They would consist of a row of hangars and an attached amenities block, A. There would also be a separate hangar for helicopters, with another attached amenity block, B.

1.12 The main proposal for hangars would consist of a long row of six buildings joined together to form a large block with a total length of 202.8m (including amenities block A) and a depth, usually, of 30.8m. The total floor-space is about 5575 sq m. The hangars would have shallow pitched roofs with a ridge height of 9m. Amenity block A would be flat roofed, about 22m x 20m, and also 9m high.

1.13 The use of the six individual hangars in the larger building has been described as follows:

- Hangar 1, corporate/executive turboprop aircraft storage and maintenance.
- Hangar 2, private owners' hangar, storage for five to six small aeroplanes for recreational and business use.
- Hangar 3, Flying Club: aircraft storage and maintenance.
- Hangar 4, maintenance company providing storage, repair and maintenance of light aircraft.
- Hangar 5, research and development into light aircraft by a local firm.
- Hangar 6, corporate turbo props and a taxi service.

Total job creation on site is estimated as 27.

1.14 The helicopter block would be 60m to the east. It would measure 30.7m x 18.8m. It would also have a shallow pitched roof again with a maximum height of 9.25m. Attached would be the 2 storey amenity block (B) 10.3m square and 6m high. It would provide facilities for the storage, operation and maintenance of helicopters used either by the emergency services or other organisations.

1.15 The combined floor space of all the buildings would be about 6258 sq.m, (almost 0.63 hectares or 1.5 acres).

1.16 A parking area is shown behind the larger block. Access would be via private tracks, ultimately to join the B1228 Elvington to York road.

1.17 The proposal is described as a "refinement of existing facilities". (However, see 4.11 below on existing use rights). Anticipated vehicle flow is given in the application as "2 maximum" HGVs per week and, for other vehicles, 5 per day. Hours of working or opening are given as 8am to 6pm daily, although on Saturdays and Sundays the starting time would be 9am.

1.18 Further information supplied originally with the planning application indicates 10 potential operators. They include the Leeds Flying School, Multi Flight (a company operating helicopters and aircraft) and private owners. They would need space for, respectively up to 9, 11 and 9 aircraft per day plus 5 helicopters for Multi Flight, and exclusive hangarage for the same numbers, except for private owners. In addition it appears that discussions are to be held about further use with the Yorkshire Air Museum.

1.19 The main difference to the previous application is that much more information has been provided. This is mainly as follows.

- \* A comprehensive covering letter from Spawforth Associates, dated 7 December 2004.

- \* A 'Stage 1 Masterplan'.

In September 2006 more detailed information was provided. This was mainly:

- \* amended plans and elevations.

- \* Report on erection of hangars by Mr Kember dated 4 September 2006, to be read in conjunction with later letters.

- \* Ecology Report by Andrew McCarthy Associates, August 2006.

- \* Transportation Assessment by Sanderson Associates, received October 2006.

An aerial photograph has also been supplied. It should be noted that the submitted drawings and plans as originally submitted are exactly the same as for the previous application. The amended plans are similar.

1.20 The Spawforth letter claims that the level of use was more than 600 pre-booked aircraft movements in 2003, plus additional ad hoc uses plus 120 further aircraft movement generated by the Yorkshire Air Show. In addition were an unspecified number of aircraft movements from the Yorkshire Air Museum and Air Ambulance services.

1.21 The need for the additional facilities is explained in the Spawforth letter. Facilities for operation, air traffic control, communications, medical, fire, crash, engineering, maintenance and catering facilities were sold separately by the Ministry of Defence, largely to the Yorkshire Air Museum and are no longer available. These include the air traffic control tower. The hangar facilities are said to be necessary. These facilities and storage of associated equipment are needed in order to secure and progress licensing by the Civil Aviation Authority (CAA).

1.22 In addition, the active surfaces and drainage systems at the airfield are deteriorating as the MoD stopped maintenance many years prior to disposal. A considerable backlog of repairs has occurred. The applicants originally estimated that the cost of these repairs would be £2 million, and a further £400,000 for

maintenance each year. The cost of the repairs in November 2007 was estimated as £2,190,000

1.23 The letter states that the revenue obtained through renting out the hangars would contribute substantially to the budget for these works. It also states that various potential occupiers have been identified for the hangars and that there is currently a demand for storage space on the airfield. More detailed information is given in later correspondence from K LW. In November 2007 it estimated the likely total annual rental income to be generated by the proposed development as being in the region of £481,490.

1.24 The Spawforth letter also states that in order to protect Elvington Airfield as an important resource, sufficient income must come from "the continued operation and development of civil aviation at the airfield".

1.25 Further comments in the various letters and reports are made on exceptional circumstances in the Green Belt, and highways and noise matters. They are referred to in the discussion in Part 4 of this report.

1.26 Spawforths also supplied a "Stage One Masterplan". The document "confirms the context with which future development proposals at Elvington Airfield should be considered".

1.27 It describes the history of use of the site in terms of military and civilian aviation and other activities. It lists other airfields and airstrips within one hour's drive of Elvington.

1.28 It includes a Vision Statement. This reads "to promote the continued operation and development of Elvington as a premier aerodrome for the City of York, capable of serving the needs of business and tourist travellers in the twenty-first century and accommodating a variety of complementary leisure uses within an attractive and landscaped environment".

1.29 It states that "the Elvington Airfield site is a unique resource within this part of the United Kingdom. "

1.30 "Due to the length, width and strength of its runway, Elvington Airfield has the ability to cater for the largest and heaviest aircraft yet designed and, as such, is eminently suited to accommodate the burgeoning demand for business aviation in this part of the North of England. Given its proximity to the City of York, Elvington Airfield has the potential to secure a CAA licence for the operation of twin and multi-engine businesses and air taxi aircraft."

1.31 The Masterplan contains an aviation constraints map identifying various problems and opportunities, including features limiting or otherwise affecting aviation development on the site. It also discusses motor use and leisure use. It includes a "Zonal Masterplan" demonstrating which uses and activities shall be where.

1.32 It covers economic advantages generally of air travel to York, including business, tourism and the University. It cites a multiplier effect, of up to 100 jobs for every post at Elvington Airfield.

1.33 Its conclusion, entitled "Next Steps to Delivery", repeats the applicant's claim that Elvington Airfield is "a unique resource and represents tremendous opportunity" because of the extraordinarily long (3.2 km) runway, with its very large concrete apron. To protect this, sufficient income must come from the continued operation and development of civil aviation. The airfield has potential to cater for burgeoning demand for business aviation in the locality.

1.34 Following the receipt of the planning application, the Council requested that an Environmental Impact Assessment (EIA) be submitted. The reasons for this request included the anticipated extension of airfield use and flying activities, implications of noise and traffic generation from the proposed hangars and impact on wildlife.

1.35 The applicants challenged this request by asking the Secretary of State, through the Government Office for Yorkshire and the Humber, to issue a screening opinion. This was duly done in May 2005, to the effect that the Secretary of State did not consider that EIA was required.

1.36 Notwithstanding the absence of an EIA, some further information has been requested on a number of points. This is discussed later. Some has been supplied.

1.37 The fuller information provided by K LW from September 2006 expands earlier information provided by Spawforths.

1.38 It states that the proposed development has been designed specifically to meet the needs of the emerging high technology industry and knowledge based economy of the area. It would place Elvington on a par with Farnborough and Biggin Hill in the south of England and Northampton (Sywell) aerodromes, all of which have seen major investment in recent years to accommodate new quiet, high-technology aircraft.

1.39 The proposed development at Elvington is designed to meet the needs of General Aviation (GA) and "specifically is not intended to fulfil any demand which may exist in Yorkshire for Commercial Air Transport (CAT) facilities including scheduled passenger flights". GA covers all civil aircraft activity other than that carried out by the CAT sector. The UK GA flight has grown significantly over the past twenty years. The Civil Aviation Authority in a recent report has noted that the growth of CAT has reduced the availability of facilities for GA.

1.40 Ten flying sites within one hour's driving time of York or thereabouts and a further nine also not far from York have been identified. The agent assesses all as being unsuitable for any GA activity.

1.41 Information on levels of activity has been requested. The sworn testimony of three former RAF officers associated with Elvington give a daily level of 872 aircraft movements in the 1961-92 period. One of these ex-officers gives further information for more recent years, of daily averages of 82 movements for 1992-99 and 136 for

1999-06. K LW assesses the number of flying days per annum as 255. This would give 20,910 and 34,680 pa respectively since 1992.

1.42 It is not clear how comparable these figures are to the much lower figures in 1.20. The Council has various questions on this information, particularly on definitions and has asked for further information. Some of the movements are ascribed to use of Elvington by four other organisations. All four have been contacted. Two have suggested that the level of usage ascribed to them is considerably less than claimed. Further, some of the movements appear to refer to movements of aircraft through Elvington airspace rather than using the airfield.

1.43 Elvington Park Limited is prepared to accept a condition on the grant of planning permission for the hangars which would cap overall air traffic movements to the historic levels of use. There have also offered to accept conditions relating to noise limits. Further, they would also enter in to a Section 106 Agreement to cover various aspects of flying operations and practice, including routing of aircraft. This would help to address problems of noise, impact on local amenity and effect on wildlife conservation.

1.44 Planning History. A very important background document is the Council's Elvington Airfield Development Brief, adopted in 1988. Its content is summarised at 4.3-4.9 below.

1.45 The previous application (03/01377/FUL) was, as already explained, for almost identical development. It was received in April 2003. Further information was requested from the applicants, on access details, traffic generation, and noise impact. This information was requested on a number of occasions, but was not supplied. The application was, in due course, considered for the first time by the Planning Committee on 25 September 2003.

1.46 It was deferred by the Committee to allow the applicant more time to supply the information. In the discussion, Members emphasised the potential economic benefits of developing aviation uses on the site, albeit within a planned framework, and indicated a willingness to work with the applicants on their Development proposals. They also asked for the planning status of the site to be considered further, and for the Elvington Airfield Development Brief to be reviewed.

1.47 Again, the requested information was not supplied and the application was placed on the agenda for the Committee meeting of 15 December 2003. It was recommended for refusal, partly because "very special circumstances" had not been demonstrated to justify approval of it as a major proposal in the Green Belt, and also because of insufficient information on traffic generation and noise impact. However, the applicants withdrew the application shortly before the meeting.

## **2.0 POLICY CONTEXT**

### **2.1 Development Plan Allocation:**

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

## 2.2 Policies:

CYGB1

Development within the Green Belt

CYGB13

Sports facilities outside settlements

CYSP8

Reducing dependence on the car

CYNE4A

International and National Nature Conservation Sites

CYNE5A

Local Nature Conservation Sites

CYNE5B

Avoidance of, Mitigation and Compensation for Harm to Designated Nature Conservation Sites

CYGP1

Design

## 3.0 CONSULTATIONS

Internal

3.1 City Development - Hangars not appropriate development in green belt in terms of PPG2 or local plan. Applicant would need to demonstrate "very special circumstances" as outlined in PPG2 to demonstrate that the harm to the green belt is clearly outweighed by the need for the development in that location. Reconsultation: comments as before.

3.2 Economic Development Unit - Needs more information on business proposals. A business plan, including a proper market evaluation, would help to substantiate comment on business and economy issues. Needs greater clarity.

3.3 In particular, more information is needed on :

\* "Burgeoning demand" described in Masterplan.

- \* Proposals for direct business personnel flights. These may already take place from other airfields in the vicinity of York.
- \* Potential for engineering and refurbishment of "very large aircraft".
- \* Anticipated employment multiplier of 1: 100 jobs.

3.4 The arguments for development seem to be primarily justified on the grounds that the runway length means the airfield is a unique resource and they need to improve cash flow, for maintenance reasons. If what is required of the six hangars is to consolidate what is currently going on, then the picture is clouded by comments which refer to attaining noise standards at regional airports.

3.5 Many sweeping statements and broad generalisations are made in this application and its supporting material, with little substantiation. In demonstrating "special circumstances" and addressing the Green Belt issue, it might have been better to precisely define the level and nature of future usage intentions and how these proposals bring value-added benefit to the City of York.

3.6 Highway Development - No objections if no increase in number of aircraft movements to and from the airfield or the hours of operation.

3.7 However, have concerns on following issues, which might have a bearing on future vehicular activity to and from the site.

- \* Further activities taking place on the airfield in order to fund the £2 million worth of repairs to the runway.
- \* General commercial flights, for which the owners intend to seek a CAA licence, if permission is granted.
- \* The intention to rent out the proposed hangars.
- \* Various leisure activities already taking place on the airfield, together with motor racing and speed trials, which are likely to increase in frequency if these additional storage facilities are introduced.

3.8 Reconsultation: Concerns expressed on various aspects. Further information requested.

3.9 Environmental Health Officer - Asks to seek evidence on numbers of flights during 2003 and 2004. If there are no extra aircraft movements, as declared by applicant, will not require noise report.

3.10 Later requested Noise Impact Assessment, to include impact of aircraft noise and that from other sources. Should include evidence on the historical use of the airfield.

3.11 Reconsultation: Possible contamination of land, requests three conditions if approved. Also has concerns about noise impact because there are six dwellings within 800m of which one is within 500m. Inadequate information supplied on predicted noise levels or of sound attenuation capabilities of proposed buildings. Considers that noise is likely to adversely affect residents.



3.12 Archaeologist - Requests ARCH1 Condition (Archaeological excavation of the site will be required, prior to development commencing). The site lies outside the Area of Archaeological Interest for York, but in an area where there are significant crop-mark sites, probably of pre-historic or Romano-British date. It is highly probable that this site contains features and deposits relating to these periods. These features and deposits must be recorded in advance of development. Reconsultation: comments as before.

3.13 Countryside Officer - Non-statutory wildlife site because of presence of common spotted orchid. On fuller inspection, the site is considered as potentially an extremely valuable Nature Conservation area and almost certainly of SINC (Site of Importance for Nature Conservation) Status. It consists of about 130 hectares of lowland acid grassland, a habitat of which only about 50 hectares is known in the whole of the administrative county of North Yorkshire. It is of interest for grassland, invertebrates, birds (Red Shank, Snipe, Curlew and Golden Plover) and brown hare. Development of the site proposed for parking could adversely affect wildlife, but this could be less at the site for the hangars. A full assessment is requested.

3.14 Also potential for breeding waders, which are UK Bio-Diversity Action Plan priority species, therefore needs further information on nature conservation interest. Potentially significant effect on European Designated Special Area of Conservation, as well as SSSI. EIA is therefore essential, because of the possibility of substantial impact on and conflict with an internationally important bird site.

3.15 Comments on Ecological Report dated August 2006. Limited survey, predominantly a walkover. However, confirms the potential of the whole site as a SRNC. Would qualify as a species rich, neutral and/or acid grassland (SRNC). Possibly a very important one. Could also be very interesting for invertebrate fauna.

3.16 It may be possible to locate the buildings with their new elemented impact. No data provided for birds but introduction of buildings could have significant impact on waders and other species such as skylark. Increased use of airfield could have significant impact on certain aspects of wildlife interest. Needs a more detailed survey. If approved, prefers any buildings to be sited at either end of the site to limit the impact on ground nesting birds. Request conditions on mitigation measures and on management of the site.

3.17 York Natural Environment Panel - Within a 13 km radius of a CAA designated air strip, any proposed wetland projects are usually objected to, conflicting directly with Nature Conservation, i.e. wetlands attract birds, which is dangerous for planes. Must consider the future use, which could effectively sterilise wetland development for 26 km around. Also supports comments from Countryside Officer.

External:

3.18 Heslington Parish Council (Application is just inside Heslington Parish, but near the boundary with Elvington). Objects.

(a) The development does not constitute "exceptional circumstances". Investor's need to generate revenue is not sufficient reason.

(b) Elvington Airfield Development Brief does not support any expansion of "aviation based activities" in the manner proposed, i.e. a development of an airport beyond the activities currently taking place, and for which a CAA licence is not required.

(c) Totally inadequate evidence of noise, noise footprints etc and the prediction of aircraft movements, despite statement of "no changes to the existing number of movements or hours of operation of aircraft". This contradicts professed reason for the hangar development being revenue generation, which it is safe to assume can only result from a dramatic increase in aircraft movements.

(d) "Heslington Village Design Statement" sets out a number of planning guidelines in paragraph 7.1, none of which have been addressed.

(e) Stage 1 master plan clearly sets out the intention to make Elvington a major regional commercial airport. Makes a whole series of unsupported and spurious claims on the benefits accruing to York and the creation of "Elvington Airport".

(f) It is argued that development and expansion of flights and related activities essential to generate revenue to maintain what is referred to as a "unique asset". Estimates of repairing the concrete runway seem very high. There is no business plan demonstrating how the income will be achieved. It seems that it is the intention to turn this into an airport, by stealth.

(g) Any proposed airport needs much more rigorous and wider consultation and should be reviewed through proper planning processes and the Local Plan.

(h) The Masterplan does not address the potential impact on residents in York, Heslington, Dunnington and Elvington etc. Requires EIA, since existing runway is obsolete MoD construction.

(i) Ask whether applicants have consent for the activities they claim as lawful.

(j) Masterplan runs counter to regional policy, which is to develop Leeds/Bradford, Humberside and now Finningley airports, all of which are within one-hour drive time isochrome as provided by applicant.

(k) Development of airport here, would not be sustainable, because of generation of greenhouse gases, noise pollution and local traffic congestion.

(l) Noise pollution.

(m) Application is clearly the first step in a proposed development of a commercial airport and so should be refused.

(n) Granting of consent without stringent conditions would allow a surreptitious and potentially dramatic increase in aircraft movements leading, eventually, to commercial airport levels of activity.

(o) Huge increase in environmental noise and traffic pollution.

3.19 Reconsultation: Previous arguments still apply. Applicants' objective is clearly to develop a fully operational airport with consent for virtually unlimited air traffic movement, greatly exceeding levels of Council's 1998 Development Brief. Public Inquiry needed. Cites conflict from noise issues. Not acceptable in Green Belt.

3.20 Elvington Parish Council - Strong objections.

(a) Duplication of existing facilities at 14 private and commercial airfields in the region, and 3 RAF airfields.

(b) Applicants claim of no increase to current claimed aircraft movements is totally inconsistent with Vision Statement, which includes an air taxi service, flying school, scheduled flights and aircraft maintenance, all of which would be additional activities to those at present.

(c) Needs EIA in view of impact of noise, traffic, additional aircraft movements and environmental disadvantages.

(d) Refers CYC to the position statement prepared by Elvington Parish Council and agreed by all the ten Parish Councils in the vicinity of the airfield.

3.21 Reconsultation: Believes outcome of Noise Abatement Notice appeal should precede action on planning application.

3.22 Dunnington Parish Council - Object because there is insufficient information about the application.

3.23 Kexby Parish Council - Object to proposed new hangars. Believe this is only the first step in making this airfield into a major airport, which would have devastating consequences for nearby residents. Noise from airshows is already horrendous. The roads in the vicinity barely able to cope with the present volume of traffic. Existing runways unsuitable for wide-bodied passenger aircraft or for use as a commercial airfield.

3.24 Osbaldwick Parish Council - No objections, "but has concerns of how aircraft noise may affect our residents".

3.25 Reconsultation: Additional planes would cause problems of noise. Road access inadequate at both Elvington Lane (B1228) and its junction with A1079 close to Grimston Bar roundabout.

3.26 Civil Aviation Authority - No comment, because the CAA does not licence the airfield in question. Reconsultation: no comment.

3.27 Ministry of Defence Estates. The MoD sold the site in 1999. RAF flying operations ceased in January 1992. Since then the only operations on the site have been leisure and training activities, originally licensed by the MoD. Such uses have included land yachting, driver training, model aircraft flying, dog training and occasional land speed record attempts.

3.28 Unfortunately, all files which detailed the periods for which this site has been licensed for use by members of the public and other organisations, have been destroyed.

3.29 Natural England (previously English Nature) - Notes that the application is for the erection of aircraft hangars, but no information is provided to support the application in regard to the proposed future usage of the hangars.

3.30 The site is only 3 km from the Lower Derwent Valley Special Protection Area / Special Area of Conservation / SSSI, a site of international importance, supporting high numbers of wintering and breeding waterfowl. Research has shown that aircraft, including helicopters, have the potential to cause disturbance to birds. Natural England is concerned that increased aircraft usage could potentially impact upon birds using the Lower Derwent Valley. Under the "Habitats Regulations" the Council must determine whether a plan or project is "likely to have a significant effect" under Regulation 48. In the event of an effect being determined, then the Council must undertake an appropriate assessment of the project in order to ascertain whether the proposal is likely to have an adverse effect on the integrity of the site, before granting any planning consent.

3.31 Natural England therefore objects to the application until further information about the future usage of the hangars and possible impacts on the Lower Derwent Valley is available.

3.32 Reconsultation: Notes that air traffic could increase to some 50,000 Air Traffic movements per annum. Could result in some aircraft flying at relatively low altitudes over Lower Derwent Valley SPA. Unless applicant willing to accept conditions controlling such movements, Natural England objects to the proposal. Also has concerns about effect on acid grassland of nature conservation interest, being assessed for possible designation as SINC.

3.33 Later: Applicant has since offered a Section 106 Agreement to include undertakings. These would alleviate many of the concerns of Natural England.

3.34 Heslington Village Trust - Object. Masterplan clearly states case for Elvington becoming a major regional commercial airport. Such a facility is unnecessary. Inappropriate to expand use merely to generate income. Questions need, because four other airports roughly within one hour's travel. Concern at some other existing activities and questions if are lawful. Proposals do not constitute "exceptional circumstances" in the Green Belt. Contradictory claims on whether aircraft movements will increase. Heslington Village Design Statement requires Masterplan or Design Statement for Elvington Airfield to be produced. Full information needed.

3.35 Reconsultation: Previous arguments have not changed. No trace of noise footprint maps. Clearly overall objective is to develop a fully operational airport with consent for virtually unlimited air traffic movement. Needs a public inquiry.

3.36 John Grogan MP - Opposes because outside provisions of Local Plan, in Green Belt, visual intrusion, will erode character of village, will create aircraft, road

and noise problems and traffic problems, both in village and in junction of A1079 with A64 (Grimston Bar).

3.37 Neighbours consulted 20 January, 2005 and again September 2006.

3.38 Press Advert published 26 January 2005 (expiry 16 February) and 4 June (expiry 25 June).

3.39 Site notice displayed 25 January 2005, expiry 15 February.

3.40 66 letters received from nearby residents during first consultation and 4 in 2006.

Planning points made (frequency given in brackets).

#### Objections

- noise (38)
- traffic impact (30)
- no need : enough airports already in the region (28)
- objection to increase in aircraft or other activity (18)
- environmental effect/pollution (16)
- too much development/inappropriate for green belt (14)
  
- too close to houses (9)
- nuisance from existing activities (9)
- use of hangars unclear (6)
- effect on property values (5)
- effect on wildlife (3)
- light pollution (3)
- safety (3)
- disturbance (3)
- wrong location (1)
- needs Masterplan (1)
- no case made for lawful use (1)

#### Support

- economic/employment advantages including training (3)

## **4.0 APPRAISAL**

### 4.1 Key Issues

Preliminary: Elvington Airfield Development Brief

- A. Aviation Use Rights
- B. Economic contribution
- C. Green Belt Policy

- D. Visual Impact
- E. Traffic Aspects
- F. Impact on residents, including Noise
- G. Biodiversity (Nature Conservation)
- H. Archaeology

4.2 The eight key issues have been placed in this sequence because it is essential to start with an understanding of planning rights at the airfield for aviation and other linked uses. From this follows an assessment of the potential economic advantages, further to the point made previously by Members of the Committee, as described in 1.46 above. The report then considers these points within a wider planning context.

4.3 However, first it is appropriate to describe further policy guidance in the form of the Elvington Airfield Development Brief. It needs to be looked at in addition to guidance in the Local Plan and in Planning Policy Guidance Notes and Statements.

4.4 The Development Brief was adopted by the Planning Committee in February 1998. Despite its age, it is still relevant. At that time the airfield was owned by the Ministry of Defence although it had already declared that the airfield was redundant and that it wished to sell it. The purpose of the brief was to set out the principles for the future use of the airfield.

4.5 It was agreed, among other points, that

- future use of the airfield would need to accord with its green belt allocation,
- leisure uses should be encouraged, and
- expansion of the Yorkshire Air Museum should be allowed.

The Brief also recognised the unique facility presented by the runway on site, and possible aviation-linked opportunities.

4.6 The Brief noted that the MoD ceased to use the airfield as an emergency landing strip in 1995. It also discusses the Museum in some detail and commented how access to the airfield needs to be protected for it to continue to operate.

4.7 It is stated in the brief that aviation based activities would generally be acceptable. However, it also said that aviation use would require planning permission as the MOD operation was considered by the Council to be Sui Generis. Also "any proposed aviation use is likely to constitute intensification, compared with recent MOD aviation activity. The types of aviation uses which might be considered are, for example : flying training, Aero Club, Museum related flying and aeroplane maintenance" (paragraph 26 of Brief).

4.8 The Brief states that "Museum related development are considered to be very special circumstances in relation to the Green Belt, in accordance with PPG2". This comment did not apply to wider aviation uses, which are therefore given less support by the Brief.

4.9 The Brief concludes with a list of design considerations to be taken into account with development proposals. These include:

- siting of activities (which should be at the eastern end of the runway) and buildings (whose siting should maintain long views across the airfield)
- vehicular access and parking. A Traffic Impact Assessment may be required.
- noise: low existing background noise levels will affect consideration of future uses, especially at the west end of the runway.
- landscaping

4.10 The eight issues listed in 4.1 are now considered in turn.

Issue A : Aviation Use Rights.

4.11 Consideration has been given by the Council to the situation in law on the likely extent of aviation and other linked use rights, which might carry over from the time of military aviation at Elvington.

4.12 Although the Airfield was sold by the Ministry of Defence to Elvington Park Limited in 2000, Government use of the airfield had ceased some years before. Since that time the Airfield has been used for a variety of different purposes, including aviation (see 3.27). The aviation use initially claimed has not been substantial, at some 600 pre-booked aircraft movements annually, plus further movements and the annual air show (see 1.20). Considerably greater claims have since been made, but the Council has questions on these (1.41).

4.13 On the basis of case law elsewhere, it appears that planning rights can transfer from military to civilian users. Spawforth have supplied Counsel's opinion from Richard Harwood QC to this end. In addition K LW argues that Elvington is an aerodrome with lawful use rights acquired before 1947 and thus before the modern planning regime.

4.14 A Planning Permission was granted in 1993 for uses connected with motor sport. However, the grant of that permission did not represent an abandonment of the use of the site by aircraft, which has been carried on at various levels of frequency for many years.

4.15 The use of the land as an airfield either as a principal use or part of a mixed use development appears to be lawful.

4.16 However, the Council believes that more information is needed on past levels and types of activities. Such information has been requested from the applicants but has not been supplied in full. It may only be possible to settle the question by way of an application under Section 191 of the Town and Country Planning Act for an Established Use Certificate.

4.17 The actual level of recent and existing aviation use needs to be assessed, to ascertain whether there are any limitations on the amount of use, numbers of aircraft, hours of operation and other characteristics of use. It is necessary to consider whether the proposed operational development is disproportionate and not ancillary to whatever level of use may have been established.

4.18 Details of current and proposed aircraft movements are also essential for the consideration of the planning merits of the proposed hangars. Mr Harwood, cited in 4.13, indicates that such information can be relevant to the question of the hangars.

#### Issue B : Economic Contribution.

4.19 Potentially, there are important employment and economic development advantages. It may be that the proposals will result in job creation and wider economic benefits. 27 additional jobs are expected (1.13). A wider anticipated employment multiplier of 1:100 jobs has also been quoted (1.32). These are material considerations which should be taken into account.

4.20 However, see the comments in 3.2-5. Again questions which have been asked have not been fully answered. There also seems to be a contradiction between the undertaking to cap overall aircraft traffic movements to historic levels (1.43) and the implied growth and development (1.23-4, 1.28-30) .

4.21 Therefore it is not possible to assess the issue of economic contribution adequately. Greater analysis of the potential economic advantages is needed. In particular, robust information is needed on past and future anticipated levels of use.

#### Issue C : Green Belt Policy.

4.22 PPG2 is very important for policy advice, as the Local Plan has not been adopted. The present proposal is considered to be inappropriate development as set out in paragraph 3.4 of PPG2.

4.23 Two 2005 Appeal Decisions relating to part of the present application site are relevant to the status of the land as Green Belt. This is important in the absence of adoption of the Local Plan. The appeals were also Elvington Park Limited, the present applicants. They referred to the erection of two portable buildings near the runway. The appeals were against, respectively, an enforcement notice requiring the removal of the buildings and the refusal of retrospective planning permission for their retention.

4.24 The Inspector made the following comment on planning policy in his decision letter. "The Development Plan includes the North Yorkshire County Structure Plan, and its Policy E8 provides for a Green Belt whose outer edge is about six miles from York city centre. The site is well within that distance. The site also lies within the Green Belt as shown in the City of York Local Plan Deposit Draft (incorporating the fourth set of changes). The inquiry into the Local Plan Deposit Draft was adjourned, and the Council have decided not to pursue that Plan through the remaining statutory stages. No other part of the Development Plan shows precise, approved Green Belt boundaries in this area. Nevertheless, for the purposes of these appeals and bearing in mind the guidance in the Structure Plan, I have no reason to question the site's inclusion in the Green Belt pending determination of precise Green Belt boundaries upon the adoption of a Local Development document."



4.25 Both appeals were dismissed. It is relevant that the Inspector for these appeals also conducted the Local Plan Inquiry and therefore had good knowledge of the area.

4.26 Policy GB1 of the Local Plan reflects PPG2 ("Green Belts"). It lists nine forms of development considered appropriate in the green belt. The only one which might apply to this proposal is "essential facilities for outdoor sport and outdoor recreation". Aviation is seen as a recreational activity by the applicants. However the text of the local plan makes it clear that policy GB13 is restricted to existing sports facilities in the green belt as well as outdoor recreation. PPG2 refers to outdoor sports and outdoor recreation. The text of neither refers to recreational flying.

4.27 Policy GB1 goes on to state that "very special circumstances" will be required to be put forward by applicants to demonstrate that the harm to the green belt is clearly outweighed by the need for the development in that location. Paragraph 3.2 of PPG2 ("Green Belts") covers similar ground.

4.28 Policy GB1 also lists three criteria, all of which must be met, even if the development is accepted as being appropriate. Of these (a) is that "the scale, location and design of such development would not detract from the open character of the green belt". PPG2 contains similar requirements.

4.29 The proposals do not qualify as being appropriate uses in the green belt in terms of the Local Plan and PPG2.

4.30 The applicants claim that there are "exceptional circumstances" which justify the development. These include the accommodation of fire and crash services, that use of the hangars will generate income for the maintenance of the airfield and to cater for business aviation and flying clubs and the wider York economy generally. There is a reference to the potential regional significance of Elvington (1.29 - 30). However, there is no reference to this in either local or regional planning policy.

4.31 The Masterplan says, as already mentioned at 1.24 "in order to protect Elvington Airfield as an important resource, sufficient income must come from the continued operation and development of civil aviation on the airfield". However, there are unresolved questions on past and future levels of use of the airfield (1.42), and an apparent contradiction on increases in aircraft activity (4.20).

4.32 In the 2005 appeal decisions, the Inspector consider that there was no demonstration of an essential close connection between the portable buildings and outdoor sport and recreation. He also concluded that their appearance in the local countryside was also unsatisfactory. The present proposals are vastly larger in comparison.

4.33 K LW has supplied details of a called-in decision at Biggin Hill airport. It is located within the Metropolitan Green Belt and also concerns a hangar. It was approved. However, it is not clear how comparable the circumstances are. Certainly Biggin Hill is an established and busy airfield. It is also noteworthy that in this case the Inspector recommended refusal, which suggests that the decision was finely balanced.

4.34 Application of the conclusion of the Airfield Development Brief to the present proposals coincide with those of paragraph 4.29 above, that they are not appropriate development in the Green Belt. The uncertainties mentioned in 4.31 do not make compelling 'very special circumstances' to justify the construction of such a large area of buildings here.

#### Issue D : Visual Impact.

4.35 The proposed hangars would be very large. As explained in 1.12-15 the largest would be over 200m long, 30m deep and almost 8m high. The combined floorspace would be about 6260 sq. m. or 1.5 acres. They would be freestanding and very remote from the existing large buildings at the Air Museum and the Industrial Estate.

4.36 If a case was to be made that the principle of the development was acceptable, a better location should be explored. However, the applicants have said that they would not be willing to relocate them close to these buildings. They state that the emergency vehicles need to be located centrally.

4.37 The agent has supplied further photographs to show the impact of the proposals in the landscape. They are taken from points at distances of 600m and 1500m respectively from the hangars. It is considered that despite the claims to the contrary, they would be clearly apparent in the landscape.

4.38 The 2005 appeal described at 4.23 was against much smaller buildings, 10m and 14m long and 2.5m high. The Inspector considered the appearance of even these to be unsatisfactory visually.

4.39 The scale, location and design of the proposed hangars are all considered to detract from the openness, character and appearance of this area of open countryside, which is in the Green Belt and therefore the proposal is in conflict with the requirements of criterion (a) of Policy GB1, discussed in 4.28. They also fail the requirements of the Elvington Airfield Development Brief, which identifies siting and landscaping as key design considerations.

#### Issue E : Traffic Aspects.

4.40 By Policy SP8, unacceptable increases in vehicular traffic from large developments should be avoided. Arrangements for access into the site from the B1228 (Elvington Lane) are not clear. Requests for further information on this point have been answered in part only and need further assessment.

4.41 A more fundamental issue is the impact of the traffic generated by the Airfield onto the wider local road system. The B1228 joins several other roads, the A1079 Hull Road, the A166 to Bridlington and the A64 York Ring Road all at the Grimston Roundabout. This is already prone to congestion at peak periods. As mentioned in

3.7, the Highways Development Team has expressed strong concern if there is to be an increase in activity.

4.42 Vehicle access and parking are identified as design considerations in the Airport Development Brief.

4.43 In their letter the applicants maintain that the proposal "will not unacceptably increase vehicular traffic". The Masterplan claims that access to the airfield is "very good" with connections to the City of York, trunk roads and the A1/M1 motorway.

4.44 Traffic problems are anticipated by many of the objectors, including Parish Councils. Further information has now been supplied. It is currently being evaluated, in order to attempt to assess how much use would intensify as a result of the construction of the hangars. The Council fears that there could be considerable traffic problems.

Issue F : Impact on Residents, including Noise.

4.45 By Policy GP1, development proposals should respect the amenity of nearby residents. Further noise from the increased activities is also anticipated in many of the objections from neighbours and the Parish Councils.

4.46 Noise has been identified in the Airfield Development Brief as another of the considerations which development proposals must address.

4.47 The agents state that the activities will be located well away from the western end of the airfield runway, where ambient noise levels are low. Therefore because the hangars are intended for use by aircraft and operations currently using the airfield, they do not consider that additional noise on site would result.

4.48 They also claim that noise limits imposed by LPAs at regional airports elsewhere could be attained. These limits are "82 LA max between 11 pm and 6 am to prevent sleep disturbance and 60 - 62 LEQ at the nearest housing receptors".

4.49 The Environmental Regulation Officer has asked for more detailed information in the form of a full Noise Impact Assessment. Some information has been supplied but more has been requested. It is therefore not possible to assess the full implications of the proposals in respect of noise.

4.50 A wider Investigation into activities at Elvington Airfield, in conjunction with the Environmental Protection Unit, partly as a result of complaints from local residents has resulted in a separate prosecution by the Council.

Issue G : Biodiversity (Nature Conservation).

4.51 Local Plan Policies NE4A, NE5A and NE5B relate to the protection of International, National and Local Nature Conservation sites, the avoidance of harm to designated sites and measures of mitigation. They generally reflect PPS9 ("Biodiversity and Geological Conservation") and its predecessor, PPG9.

4.52 Paragraphs 3.13-17 and 3.29-33 above describe the value of the area as a potentially extremely valuable SINC. It is important as lowland acid grassland, and for invertebrates, waders and other birds.

4.53 However discussions with the applicant have been fruitful. Appropriate conditions and a Section 106 Agreement have been offered. These would alleviate the concerns of Natural England.

4.54 Subject to appropriate conditions and the content of a Section 106 Agreement, it is considered that biodiversity interests could be addressed satisfactorily. It is essential that the details of these are negotiated fully.

Issue H : Archaeology.

4.55 It is considered highly probable that the site contains features and deposits from pre-historic and Romano-British dates, as explained in 3.12 above. However, a condition requiring pre-development recording to take place would address this matter satisfactorily.

## **5.0 CONCLUSION**

5.1 The Development Brief states that aviation based activities would generally be acceptable. However, even if it was agreed that planning permission for flying was not needed at its present level, because of the hangars and further activities, it could intensify to the point where planning permission was needed. Therefore the planning status of the proposed level of flying activity here is in some question.

5.2 It is not possible to assess whether the proposal has economic benefits sufficient to justify the proposals.

5.3 The development proposed is not one of those uses defined as being appropriate for a green belt. No convincing case has been made that "very special circumstances" apply, sufficient to justify this inappropriate development.

5.4 The size and location of the proposed hangars would have a major visual impact upon this part of the open countryside and the green belt.

5.5 Inadequate information has been provided on traffic generation and noise impact. It has therefore not been possible to assess these aspects fully.

5.6 The site has importance for both biodiversity but this can be protected by appropriate conditions.

5.7 Generally analysis has been hampered by a number of inadequacies in the information supplied. Although more information has been supplied than with the previous application, there are still unanswered questions.

5.8 Therefore as the proposal stands refusal would have been recommended.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Refuse

1 That the Committee resolve that it opposes the proposal for the following reasons.

There is a presumption against inappropriate development of this type, scale, location and design in the Green Belt. Evidence of "very special circumstances" which might justify overcoming this presumption has not been satisfactorily produced in this case. The proposal is therefore contrary to the requirements of Policies GB1 and GB13 of the City of York Development Control Local Plan approved April 2005 and the advice in PPG2 ("Green Belts").

2 The appearance of the proposed development by reason of its size, location and design is considered to be visually inappropriate in this area of open countryside. The proposal is therefore contrary to the requirements of Policy GB1 of the City of York Development Control Local Plan approved April 2005 and the advice in PPS7 ("Sustainable Development in Rural Areas").

3 Insufficient information has been provided to allow vehicular access and traffic generation aspects of the proposal to be assessed satisfactorily. In the absence of such an assessment it is anticipated that problems of poor access and traffic on the wider road network will result, contrary to the requirements of Policy SP8 of the Development Control Local Plan approved April 2005.

4 Insufficient information has been provided to allow the noise impact of the proposed development to be assessed satisfactorily. In the absence of such an assessment it is anticipated problems of excessive noise will result to the detriment of nearby residents and contrary to the requirements of Policy GP1 of the City of York Development Control Local Plan approved April 2005.

## **7.0 INFORMATIVES:**

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