

North Yorkshire Council

Community Development Services

Malton and Thirsk Area Constituency Committee

16 NOVEMBER 2023

23/00284/FUL - INSTALLATION OF A PUMP TRACK AT THE PLAY AREA TO BE USED BY ROLLER BLADES AND NON-MOTORISED SCOOTERS AND CYCLES WITH ASSOCIATED FENCING AND THE INSTALLATION OF REPOSITIONED ADULT GYM EQUIPMENT ON BEHALF OF MRS GAIL COOK (MALTON TOWN COUNCIL)

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the Report

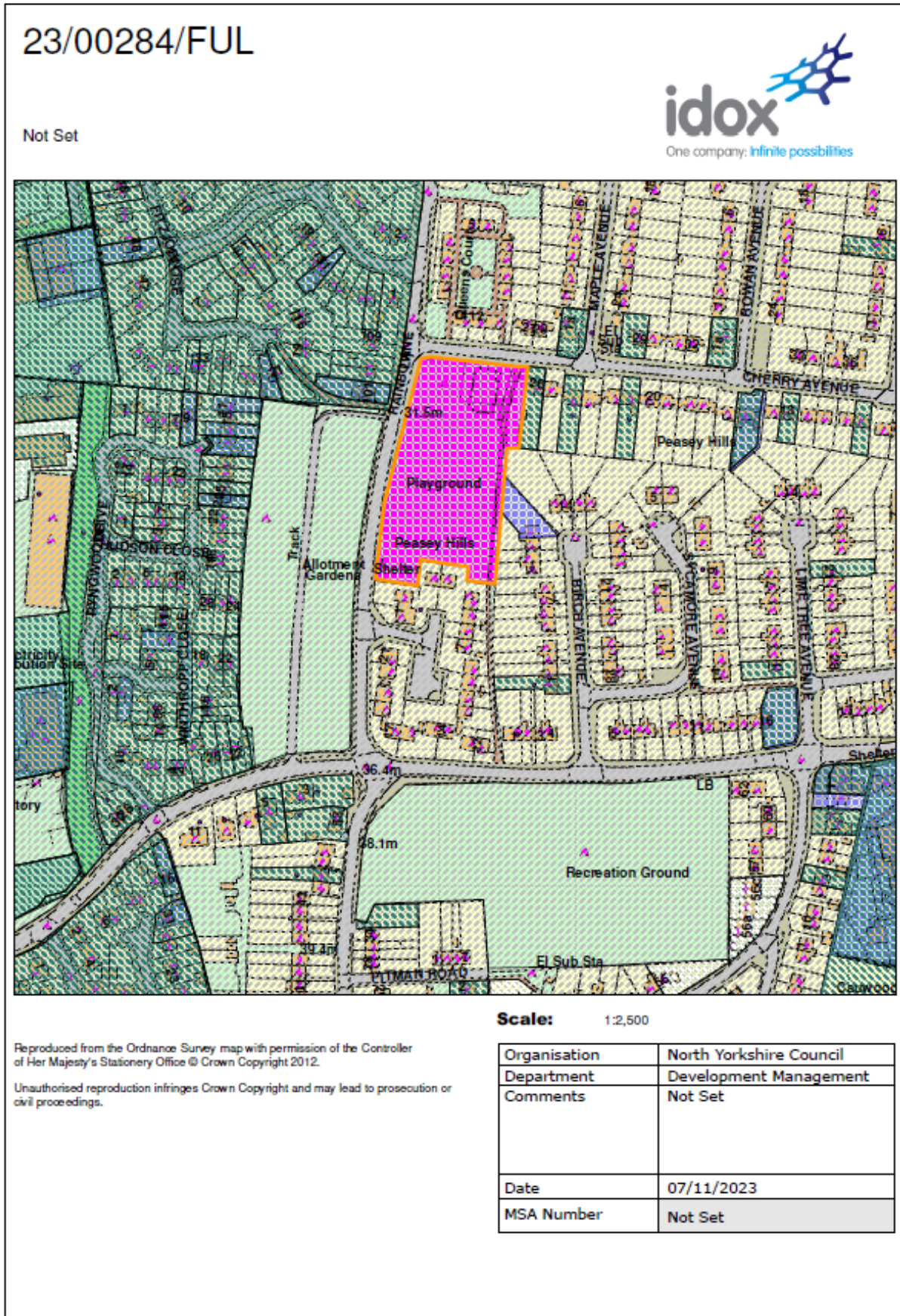
- 1.1 To determine a planning application for the installation of a pump track at the play area to be used by roller blades and non-motorised scooters and cycles with associated fencing and the installation of repositioned adult gym equipment at Play Area, Rainbow Lane, Malton, North Yorkshire.
- 1.2 The application has been referred to the Committee for determination because it is considered that significant planning issues have been raised.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That planning permission be GRANTED subject to conditions listed below.

- 2.1. Rainbow Lane Play Park is a c0.56hectare area of open land, located to the south of Cherry Avenue and the east of Rainbow Lane, under the ownership of Malton Town Council. The site provides public open space, with leisure equipment for members of the public. This includes a Multi Use Games Area (MUGA) to the north east, adult gym equipment and children's play equipment.
- 2.2. The proposal seeks planning permission for the installation of a pump track at the north western corner of the play area to be used by roller blades and non-motorised scooters and cycles with associated fencing and the installation of repositioned adult gym equipment.
- 2.3. This amended scheme now includes the installation of a 1.2m high metal fence surrounding the pump track, together with an 'A Frame' gate following the recommendation from the Police Architectural Liaison Officer (PALO.) The amended scheme would secure the installation of repositioned adult gym equipment, which are presently within the section of the site where the pump track is located. It appears that two pieces of existing play equipment would be removed to make way for the pump track.

2.4. Map (not to scale)



3.0 Preliminary Matters

- 3.1. Access to the case file on Public Access can be found here:-
<https://planningregister.ryedale.gov.uk/caonlineapplications/simpleSearchResults.do?action=firstPage>
- 3.2. There are 2 relevant planning applications for this site which are detailed below.
- 19/00518/FUL: Alteration to existing multi use games area by increasing the height of the fencing on three sides by installation of Medium Duty Sports Fencing. Approved 25th June 2019.
- 06/01032/FUL: Increase in height of north section of ballpark ball stop netting from 3.12m to 5.12m. Approved 11th December.2006

4.0 Site and Surroundings

- 4.1. The application site relates to Rainbow Lane Play Area, located to the south of Cherry Avenue and the east of Rainbow, under the ownership of Malton Town Council. This is a c0.56hectare area of open land, defined as public open space within the Malton/Norton Policies Map. The site also falls within the Town Development Limits and a public bridleway is present to the west of the site, along Rainbow Lane.
- 4.2. The site provides public open space, with leisure equipment for members of the public. This includes a Multi Use Games Area to the north east, adult gym equipment and children's play equipment.
- 4.3. To the north, east and south of the site residential properties are located and to the west of the site, on the opposite side of Rainbow Lane are allotments and dwellings. The site is surrounded by a post and rail fence to the northern and western boundaries, with a mix of close boarded fencing and landscaping to the eastern and southern boundaries. To the north western corner of the site in close proximity to the proposed pump track are 2no. trees which would remain.

5.0 Description of Proposal

- 5.1. This application seeks full planning permission for the installation of a pump track at the play area to be used by roller blades and non-motorised scooters and cycles with associated fencing and the installation of repositioned adult gym equipment.
- 5.2. The proposed pump track relates to a specially designed circuit, which has been drawn up by an experienced contractor in this field (Clark and Kent Contractors.) The circuit would consist of a an asphalt track that through its carefully considered topography, provides engineered 'bumps' and 'rollers' to allow users to build speed and momentum when using the track, with practice honing a user's overall skills. This would be suitable for both beginner and intermediate users. This could be used by a range of non-motorised vehicles, ie. roller blades, bicycles, skateboards, scooters etc

- 5.3. The pump track would span c37.3m from north to south by c29.8m from east to west and would be sited at the north western corner of the play park. The asphalt would extend to a total of 333 square metres, with an inner and outer loop. This loops would be interspersed with a grassed area to soften the appearance. No part of the proposed pump track would be greater than 1m above the existing ground level, with some limited excavation creating some sections with at 0.1m below ground level. The Design and Access Statement confirms that the excavation will be minimal, with top soil retained for landscaping.
- 5.4. The scheme has been updated from the original submission to include the associated fencing (1.2m high round bar hoop top fence) and an 'A frame' gate along the southern boundary to prevent motorised vehicles from entering the pump track.
- 5.5. The scheme also will secure the installation of 6 pieces of the repositioned adult gym equipment in other areas of the park.
- 5.6. The entire site is covered by CCTV which is monitored by North Yorkshire Police and signage outlines the play park rules of the site, including no alcohol and the closure of the site at 9pm.

6.0 Planning Policy and Guidance

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:
The Ryedale Plan – Local Plan Strategy, adopted 2013

Guidance - Material Considerations

- 6.3. Relevant guidance for this application is:
- National Planning Policy Framework 2021
 - National Planning Practice Guidance

7.0 Consultation Responses

- 7.1. The following consultation responses have been received and have been summarised below. Full comments are available to view on the Council's website.
- 7.2. **Town Council:** Recommend Approval (The Town Council are also the Applicant for this scheme.)
- 7.3. **Environmental Health:** No objection
- 7.4. **Local Highway Authority:** No response received
- 7.5. **Police Architectural Liaison Officer:** *"Having reviewed the submitted plans it is pleasing to note the inclusion of fencing and a gate to enclose the facility and to deter*

its use by motorised vehicles as suggested in my previous report. I have no other comments to make at this time."

Local Representations

- 7.6. 11 letters of objection were received in relation to the original scheme from 10 individuals.
- Waste of tax payers money/ council funds and unnecessary, 2/3 years ago the council spend thousands on upgrading the play equipment and exercise equipment which has been very popular, only to ruin this. Its removal would not be an enhancement.
 - The skate park in Norton attracts older children and has resulted in vandalism, damage, littering, noise and antisocial behaviour. That park has no properties nearby and the possibility of a similar disturbance in a residential location is not a risk worth taking, it will has creates problems socially.
 - Pump track could be installed at the skate park or in a grassy area opposite. Its installation would be a loss of amenity space where younger children are safe from those using skateboards/bikes. The park is great, with children in particular of younger ages feeling safe. Don't think older children should be encouraged to congregate around the existing park as this ruins the facility for younger children and would take away from the set up.
 - Concern over further noise and impact upon local residents, including some elderly who live nearby. Great idea wrong location.
 - There is already antisocial behaviour that goes unchecked until 11pm at night on occasion as outlined in the Police report attached online to this file. Park is not monitored currently, have previously reported issued to police (who have said they are just kids) and Malton Town Council. This would worsen if the track was installed. Concern that the TC is not sympathetic to feelings of older residents who report issues. If culprits are spoken to, residents face abuse or property damage.
 - The park is used outside of times displayed on the notice, the signs are pointless if it brings no sanction.
 - Could cause accidents. Proximity of pump track to big slide. Although the park contains adult gym equipment, the vast majority of its use is by toddlers and younger children, to mix this with adults and teenagers on blades and bikes is asking for trouble. This area is used for games, picnics, people using the play equipment and climbing apparatus.
 - Individuals would use electric and motorised scooter and bikes which would make it extremely dangerous.
 - There is an unused field across from the Rainbow Lane Junction, which must be designated as a sports field already.
 - This scheme encouraging roller blades, non motorised scooters should come with regular policing and road safety training, seen several instances of dangerous road use. Road calming measures and safety training should be put in. I have been advised this would cost too much money.
 - Would encourage more traffic to the area, where there is no onstreet parking.
 - The Design and Access Statement mentions consultation having occurred, never made aware of any consultation. No prior notification of these proposals. " Disagree with the conclusions of the study titled "Rainbow Lane Enhancement Scheme", carried out by Art of Protest Projects in January 2022, and commissioned by Malton

Town Council, which sets out the current use levels of the play area and makes no support for “enhancements”

- Concerns that this may not go to committee as a result of the new scheme of delegation, no matter how many letters of objection.
- Concern over neighbour letters for the planning application going only to properties immediate adjacent to the play area. Friends in Dickens Road for example were completely unaware. The vast majority of play park users do not live in the immediate area, so unless they use the Cherry Avenue entrance, where the sole planning notice is displayed, they wouldn't know anything about this. A random poll taken at the park revealed not one single person was aware of this. (Case Officer Note: This response was dated the 18th April so the site notice has only been erected for one day at this point. The first site notice was displayed on the Cherry Lane side on the 17th April 2023 and the second site notice for the readvertisement was displayed around the corner on the Rainbow Lane side on the 13th July 2023. Both are yellow and highly visible. 18 neighbouring properties were also originally consulted by individual neighbour letter. This is in excess of the statutory requirements for neighbour consultation.)

7.7. Four further letters of objection were received in relation to the amended scheme, which includes the fencing, gate and repositioning of the adult gym equipment.

- Concerns previously highlighted remained
- Acknowledged the local need for security fencing, but no mention of anything the screen the visual impact or noise pollution to the properties in close proximity.
- Concern that the gym equipment may not survive relocation, this is used daily and may cost more money
- Since the police held and antisocial behaviour event, note within in days there had been 2 primary school children assaulted in this park, deep concerns that the pump track would encourage more ASB.
- What do you intend to do with the rest of the equipment as there are more pieces than included in the amended plans.
- No screening for noise or visual impact for people overlooking the development.
- Never seen the police attend the park. Is the CCTV working?
- Newly formed North Yorkshire Council would be making the decisions where money is spend, not Malton Town Council.
- Concern remain about this not going to Planning Committee.
- Why have Malton Town Council decided that the 10 objections should be simply ignored, together with alternative suggestions.

8.0 **Environment Impact Assessment (EIA)**

8.1. The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

9.0 **Main Issues**

9.1. The key considerations in the assessment of this application are:

- Principle of development
- Character Form and Design
- Amenity
- Other Matters

10.0 **ASSESSMENT**

Principle of Development

- 10.1. Policy SP1 (General Location of Development and Settlement Hierarchy) of the Ryedale Plan, Local Plan Strategy identifies Malton and Norton as the 'Principle Town' where an ambition is identified as providing "new and improved sport and recreation facilities."

Policy SP11 (Community Facilities) notes: "*Community facilities are important elements that contribute to the valued quality of life in the District and which also help to support sustainable communities. Community facilities typically include village shops, pubs, Community Halls, places of worship, playing fields and other sport and recreational facilities, but can also include more varied facilities which contribute to the special role and character of towns and villages in Ryedale.*"

This Policy also notes "*Existing local retail, community, cultural, leisure and recreational services and facilities that contribute to the vitality of the towns and villages and the well-being of local communities will be protected from loss/redevelopment unless it can be demonstrated that there is no longer a need for the facility or suitable and accessible alternatives exist.*"

- 10.2. Paragraph 92 of the National Planning Policy Framework (NPPF) notes "*Planning Policies and decisions should aim to achieve health, inclusive and safe places which*
- a) *promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other...*
 - b) *are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion ...*
 - c) *enable and support healthy lifestyles...*"
- 10.3. Paragraph 99 of the NPPF notes "*Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*
- a) *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or This includes transport hubs, night-time economy venues, cinemas and theatres, sports stadia and arenas, shopping centres, health and education establishments, places of worship, hotels and restaurants, visitor attractions and commercial centres.*
 - b) *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
 - c) *the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*"
- 10.4. It is considered that this scheme for a pump track at Rainbow Lane would provide a new and innovative community facility, which would contribute to the vitality of the Rainbow Lane Play Park and extend the range of amenities. It is noted that this would

originally have potentially meant that the adult gym equipment may have been lost, however agreement with the Town Council has been reached to ensure that 6 pieces of adult gym equipment will be repositioned within the site. This will be secured by condition to occur before the pump track is brought into use. This approach therefore ensures that this presents safeguards the current adult gym provision, but strengthens the overall sports/leisure facilities within the site.

- 10.5. Concern was originally raised in relation to the use of funding for the original play equipment upgrades with concerns that this would be lost. As noted, the scheme now incorporates the repositioning of 6no. pieces of equipment at alternative locations within the site. Whilst two pieces of play equipment may be removed to facilitate the pump track, it is noted that the wider site includes a very broad provision of play equipment for children and it is not within the scope of the Local Planning Authority to comment on the potential funding for proposed schemes.
- 10.6. Within the incoming responses, third parties also suggested the alternative positioning of the pump track within various locations. These include at the existing Norton Skate Park and at an open space at the cross roads between Peasey Hills Road and Rainbow Lane. Malton Town Council confirmed that “no other sites are in our ownership or large enough to have the pump track. We are the tenants of Orchard Fields but this is definitely not suitable.” Norton Skate Park is not under their jurisdiction and the alternative playing field at the cross roads is not under their control, nor does it benefit from any existing infrastructure including CCTV coverage. The precise location for the pump track within the site has been carefully considered. The other alternative area within the Rainbow Lane Play Park would be to the south and this would be in much closer proximity to the adjoining residential properties, including their rear boundaries.
- 10.7. It is considered, that subject to the full consideration of the additional aspects below that the principle of the development is acceptable and in accordance with Policies SP1 and SP11 of the Ryedale Plan, Local Plan Strategy and NPPF.

Character Form and Design

- 10.8. The proposed scheme includes the provision of a pump track facility within the Rainbow Lane Play Area, together with associated fencing/gates and the repositioning of 6 pieces of adult gym equipment within alternative areas of the site. The proposed operational development to facilitate the scheme has been outlined in Section 5.
- 10.9. It is considered that whilst significant in footprint, the overall pump track can be accommodated visually within this location. The track would not extend beyond 1m above ground level and would require limited excavation. There would be the introduction of a sizeable amount of asphalt, however this would be interspersed with grass to limit the visual impact. The site would also be completed with a 1.2m high loop top metal fence. This has the dual benefit of addressing the request of the Police Architectural Liaison Officer in providing the requisite boundary that would effectively deter the use of motorised vehicles, without appearing incongruous or overbearing in this setting.

- 10.10. In terms of character, the proposed pump track relates to the continued use of the site for recreational activity and would not introduce a new use in conflict with the existing character of the site. The use would be adjacent to the existing multi use games area (MUGA) to the north eastern corner of the site, which incorporates fencing of between 3.15m and 5m. It is also noted that the two trees to the north of the site would remain. The proposed construction management plan condition will secure the detail for protective fencing for these trees prior to works commencing.
- 10.11. The concerns with regard to visual amenity and a request for screening for noise/the visual impact is noted. It considered that this scheme for the pump track in the long established park location would not be likely to result in materially adverse impacts by way of additional noise. This is an area adjacent to an existing MUGA and the remainder of the park which can be utilised for recreation. It is also noted that the properties adjacent to this park along the western side of Rainbow Lane and northern side of Cherry Avenue 'front' onto this park. They would not experience this from a private rear amenity space, nor is there any right to secure a 'view' in perpetuity. It is considered that a degree of openness at this point may actually be preferable in terms of natural surveillance and as such, no specific landscaping additional landscaping scheme is requested, although the existing trees would be retained.
- 10.12. It is furthermore considered that this scheme is acceptable in terms of character, form and appearance in accordance with the requirements of the Policies SP12 (Heritage) SP16 (Design) SP20 (General Development Management Issues) contained within the Adopted Local Plan, the Ryedale Plan Local Plan Strategy (2013). It is also considered that the scheme is in compliance with the requirements of the National Planning Policy Framework.

Amenity

- 10.13. Within the incoming responses, concerns have been raised locally in relation to potentially increased levels of antisocial behaviour which is noted as currently occurring within the site. The comments note the park is utilised beyond the hours outlined in the signage. Comments have also been made that Malton Town Council and the Police have not been effective in responding to this. Concerns about antisocial behaviour at Norton Skate Park were also raised, making the point that they would not wish this to happen here in an area with much closer residential properties nearby.
- 10.14. Concerns have also been raised that a pump track would encourage older children to use the park to the detriment of toddlers and younger children and accidents could occur. Concerns also remain that the scheme would create further noise and disturbance to neighbouring residents, including the elderly.
- 10.15. Policy SP16 of the Ryedale Plan, Local Plan Strategy noted "the design of new development will be expected to reduce crime and the fear of crime through the careful design of buildings and spaces. SP20 of the Ryedale Plan, Local Plan Strategy requires *"New development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land*

and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence.”

- 10.16. The Police Designing Out Crime Officer (PALO) was consulted in relation to this scheme. In their original response dated 25th April 2023 they provided a detailed “Designing Out Crime Report.” This document noted it was *“intended to highlight any crime and disorder issues in the vicinity of the proposed development, assess the development in terms of its likely effect on crime and disorder and identify design solutions that will help to reduce vulnerability to crime. The recommendations made have followed the principles of ‘Crime Prevention through Environmental Design’ (CPTED).”* This response made the following comments in relation to the proposed location

6.2.1 The proposed location of the Pump Track will provide good levels of natural surveillance from surrounding housing and people travelling along Rainbow Lane and Cherry Avenue, which will provide bona-fide users with a sense of safety and security and will help to deter criminal and anti-social activity.

6.2.2 To reduce the potential for noise-related complaints from nearby residents, it is important that appropriate buffer distances are provided between the facility and nearby housing. Fields In Trust have produced a document entitled “A guide to the Six Acre Standard and the three categories of play areas – LAP LEAP and NEAP”, which provides guidance in relation to this and I have provided the applicant with a copy for their information.”

This referenced document has been reviewed and it is noted that it recommends a 30m distance between new skateboard parks (potentially the most similar to a pump track) and residential housing. At this point, the proposed pump track would be c15m from the front boundary of the properties along Rainbow Lane and Cherry Avenue. However, this document also recommends distances of 30m between activity zones within NEAPs (Neighbourhood Equipped Areas for Play (NEAPs) aimed at older children) and housing. Given the relationship of the park (which can be categorised as a NEAP) with these houses is long established, it is not considered that this represents a significant material difference.

The PALO’s response continued: *“One particular concern in relation to a facility of this nature is the potential for inappropriate use by persons on motorised vehicles such as mopeds or motorcycles, which could lead to damage being caused to the facility and may also deter bona-fide users from using it. I have contacted the applicant to discuss this, and it was agreed that consideration should be given to enclosing the Pump Track with appropriate boundary treatments and the use of an “A” Frame barrier, to prevent unauthorised access. . Any boundary treatment should not impede natural surveillance of the facility and should be of a design that would deter/prevent someone from lifting a motorised vehicle over it.*

6.3.2 There should be a Management Policy in place prior to the facility first coming into use, which should contain details of who is responsible for the maintenance and management of the Pump Track and should confirm that any damage, including graffiti, will be dealt with in a timely manner.”

- 10.17. As indicated above, this location within the Rainbow Lane Play Park has been considered and chosen in terms of limiting potential impacts upon neighbouring amenity. This other alternative site within the park to the south would be in closer proximity to the directly adjoining residential properties to the south. The proposed position to the north west, whilst in proximity to properties along Rainbow Lane and Cherry Avenue, would be separated by the highway. The pump track would be located c15m from their front boundaries.
- 10.18. The Council's Environmental Health Officer has confirmed the following within a formal consultation response dated 7th November 2023 *"I have now taken the opportunity to examine the plans and comments and can confirm that Environmental Health has no objections. Any health and safety issues would be the responsibility of the operators, though advice may be available through our team."*
- 10.19. Malton Town Council provided the following statement, together with revised plans in July 2023 *"Malton Town Council are committed to delivering a successful facility for the young people of Malton and Norton. The whole of the Rainbow Lane play area site is covered by CCTV monitored by North Yorkshire Police. Town Council Officers carry out weekly site inspections and North Yorkshire Council Street Scene Officers carry out litter pick-ups three times per week to ensure the site is clear of any debris. The site is ROSPA inspected once a year and any recommendations from that report are carried out by the Town Council."*

The Town Council acknowledge the strong local commitment to retain the gym equipment following the consultation responses, therefore, these will be relocated within the play area prior to the pump track being brought into use.

The Town Council will install signage in the play area with a full schedule of behaviour, warning, health & safety and reporting procedure signage. A 1.2 high round bar hoop top fence (as pictured below) will be installed around the pump track with a gate as recommended by the Police Liaison Officer to alleviate any concerns with regard to motorised vehicles entering the site." The Town Council Clerk also noted previously that "Rainbow Lane has moderate ASB, therefore, the installation of the track will act as a diversionary activity, therefore, reduce anti-social behaviour, when managed well by the Town Council." A further comment from the Town Council on the 7th November noted "Any graffiti will be removed within 24 hours (where possible), the area is covered by CCTV and offenders will be prosecuted. The area is patrolled on a daily basis by North Yorkshire Police and Council staff. The Town Council have purchased graffiti removing equipment and will instruct the cemetery manager to remove any graffiti immediately. The Clerk is part of the fortnightly MAPS meetings any graffiti and ASB will be reported into this as well as reported to NYP."

- 10.20. In a response dated 14th July 2023, the PALO confirmed *"Many thanks for giving North Yorkshire Police the opportunity to comment on the amendments to this application. Having reviewed the submitted plans it is pleasing to note the inclusion of fencing and a gate to enclose the facility and to deter its use by motorised vehicles as suggested in my previous report. I have no other comments to make at this time, but if I can be of any further assistance, please do not hesitate to contact me."* On this basis, it is considered that the PALO is satisfied with the amended scheme.

- 10.21. As noted, the scheme under consideration relates to a new pump track within an existing play park. This would be for non-motorised use only which would be secured by the proposed fencing and gate, so consequently, any noise would relate to that generated by users of the park. This is not considered to relate to a material change to the current use of the site which is a long established community park, but rather operational development to form a pump track.
- 10.22. It is considered that subject to the proposed fencing and gate, additional signage, together with the management commitment from the Town Council and their continued collaboration with North Yorkshire Police, that this scheme could be delivered without significant adverse material impacts upon amenity, crime or safety. The fencing and the signage would be secured by planning condition. It is considered that subject to these points above, this scheme would align with the requirements of the NPPF which in paragraph 130 (f) seeks to ensure new development “*create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*”

Other Matters

- 10.23. As noted, no specific response was received from North Yorkshire Highways on the original scheme or amended scheme, it is not considered that this scheme would have any highway impact.
- 10.24. However, given the nature of the site, with relatively limited off street parking, a construction management plan condition for small sites shall be recommended to ensure that there is no issue with construction traffic on the public highway and to limit disturbance to neighbouring residents. This approach has been discussed informally with the North Yorkshire Highways Officer during a telephone call on the 6th November 2023 and the Officer is content with this approach.
- 10.25. Whilst concerns have been raised in relation to the speed of vehicles on roads surrounding the site and these are acknowledged, it is not considered that this can be considered a material consideration in the determination of this application, which relates to the continued use of an existing community park by persons on non-motorised vehicles.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. This application has been recommended for approval as it is considered to meet with the requirements of the Ryedale Plan, Local Plan Strategy and the National Planning Policy Framework. The scheme would deliver a new high quality community facility within an existing community park location, suitable for adults and children.
- 11.2. The concerns raised have been fully considered, subject to the amendments made and proposed conditions, the proposed pump track and installation of boundary fence/gate is considered to align with the requirements of the following policies within the Ryedale Plan, Local Plan Strategy: Policy SP1 (General Location of Development

and Settlement Hierarchy) Policy SP11 (Community Facilities) Policy SP16 (Design) and Policy SP20 (Generic Development Management Issues) as well as the National Planning Policy Framework (NPPF.)

- 11.3. The wider proposed works and associated condition to secure the relocation of 6 pieces of adult gym equipment is considered important to ensure this important community facility at Rainbow Lane Play Park continues to cater to a range of users.

12.0 RECOMMENDATION

- 12.1 That planning permission be GRANTED subject to conditions listed below

Recommended conditions:

Condition 1 Time Limit

The development hereby permitted shall be begun on or before *Inset*

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

Condition 2 Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved documents/plan(s):

Site Location Plan (1:1250 Scale – Scanned by the LPA on 6th April 2023.)

Site Layout Plan (including repositioned gym equipment locations - 1:1250 Scale – Scanned by the LPA on 6th July 2023.)

Proposed Fence/Gate Location Plan (Scanned by the LPA on 6th July 2023.)

Rainbow Lane Pump Track Plan and Orthogonal View (C&K Contractors - Scanned by the LPA on 6th April 2023)

Reason: For the avoidance of doubt and in the interests of proper planning.

Condition 3: Construction Management Plan

No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan.

The Plan must include, but not be limited to, arrangements for the following in respect of each phase of the works:

1. Details of any temporary construction access to the site including measures for removal following completion of construction works;
2. Wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
3. The parking of contractors' site operatives and visitor's vehicles;
4. Areas for storage of plant and materials used in constructing the development clear of the highway;
5. Details of site working hours;

6. Details of the measures to be taken for the protection of trees; and
7. Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity and to comply with Policy SP20 of the Ryedale Plan - Local Plan Strategy.

Condition: 4 adult gym equipment movement

Prior to the commencement of the external works of the development hereby approved, unless otherwise agreed in writing with the Local Planning Authority, the adult gym equipment shall be reinstated at the alternative points agreed. as detailed on the Site Layout Plan (including repositioned gym equipment locations - 1:1250 Scale – Scanned by the LPA on 6th July 2023.)

Reason: To ensure the community facilities are suitably retained and to satisfy the requirements of Policy SP11 of the Ryedale Plan - Local Plan Strategy.

Condition 5: Boundary

Prior to the pump track being brought into use, unless otherwise agreed in writing with the Local Planning Authority the agreed 1.2m high hoop top fence and A Frame gate boundary treatment shall be installed in the locations demarcated on the Proposed Fence/Gate Location Plan (Scanned by the LPA on 6th July 2023.) This approved boundary treatment shall be retained for the lifetime of the development.

Reason: In the interests of amenity and to satisfy the requirements of Policies SP11 and SP20 and of the Ryedale Plan - Local Plan Strategy.

Condition 6: Signage

Prior to the commencement of the external works of the development hereby approved, unless otherwise agreed in writing with the Local Planning Authority full details of the proposed new informational signage relating to the rules for users of the pump track shall be submitted to and approved in writing by the Local Planning Authority.

This approved signage shall be retained for the lifetime of the development.

Reason: In the interests of amenity and to satisfy the requirements of Policies SP11 and SP20 and of the Ryedale Plan - Local Plan Strategy.

Target Determination Date: 17th November 2023

Case Officer: Niamh Bonner, niamhbonner@northyorks.gov.uk

Appendix A – Proposed Layout Plan