

North Yorkshire Council

Community Development Services

Skipton and Ripon Area Constituency Planning Committee

05 DECEMBER 2023

2022/24459/FUL – PROPOSED GYMNASTICS & CHILDREN’S ROLE PLAY BUILDING ON LAND TO SOUTH EAST OF NEW LAITHE FARM, STATION ROAD, CROSS HILLS, KEIGHLEY, BD20 7DT ON BEHALF OF MR & MRS WADE.

Report of the Assistant Director Planning – Community Development Services

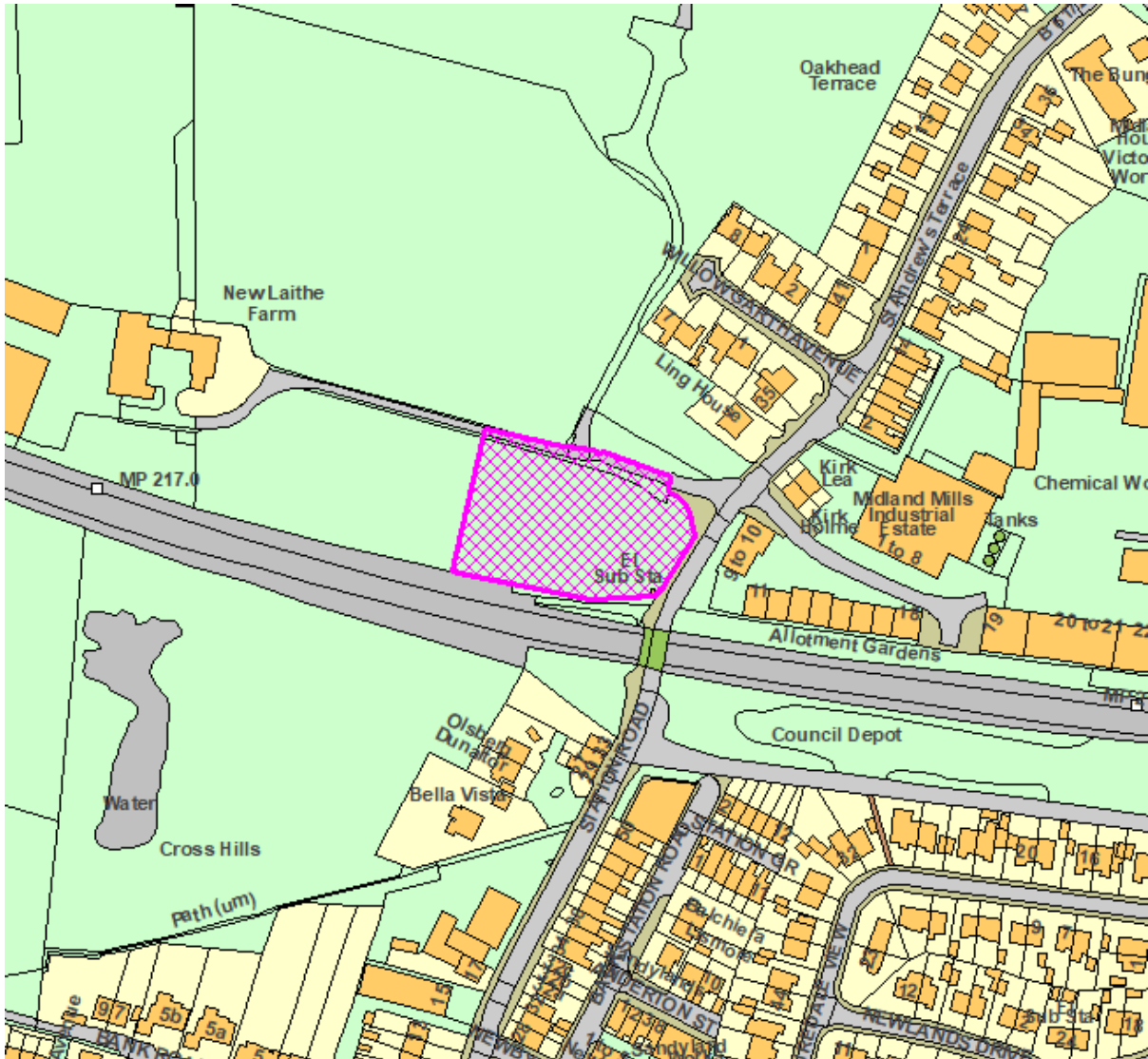
1.0 Purpose of the Report

- 1.1 To determine a planning application for Proposed gymnastics & children's role play building on Land To South East of New Laithe Farm, Station Road, Cross Hills, Keighley, BD20 7DT.
- 1.2 To set out details of the proposal, a description of the site and its surroundings, a summary of planning policy and planning history, details of views expressed by consultees, a summary of the relevant planning issues and a recommendation to assist the Committee in considering and determining this application for planning permission.
- 1.3 The application has been called into be determined by Planning Committee by Cllr A Brown due to the impacts of the scheme upon the Green Wedge.

2.0 EXECUTIVE SUMMARY

2.1 RECOMMENDATION: That planning permission be GRANTED subject to conditions listed in Section 12 of this report.

- 2.2. The application is for the construction of two joined units with associated parking and infrastructure: -
- 2.3. Unit 1 would contain a gymnastics area and associated mezzanine area. Unit 2 would contain a children’s role play area and café at ground floor level, and a baby class area at first floor level. The building design consist of a typical industrial unit with part stone wall and timber cladding above.
- 2.4. The site is currently used as an agricultural field with access off Station Road Cross Hills. Surrounding the site is a mixture of uses. Directly south of the site is the Airedale Railway Line, whilst east is the Midland Mills Industrial Estate. To the north is made up of residential properties heading towards the A629. To the west is the remainder of New Laithe Farm, owned by the applicants.



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3.0 **Preliminary Matters**

- 3.1. Access to the case file on Public Access can be found here: - <https://publicaccess.cravencdc.gov.uk/online-applications/>.
- 3.2. No pre-app discussions were held prior to the submission of this application.
- 3.3. Due to concerns upon the impact upon the surrounding highway network, a transport assessment and travel plan were provided by the agent. The building now includes solar panels on the roof and to address concerns regarding the parking, disabled, child and minibus parking has been identified on the supporting drawings.
- 3.4. There is no previous planning history relevant to the consideration of the application.

4.0 Site and Surroundings

- 4.1. The application site measures approximately 0.43ha of agricultural land, in an irregular rectangular shape to the north of the existing farm access off Station Road, Cross Hills. Running to the South of the site is the existing Airedale Railway Line.
- 4.2. To the west is the remainder of New Laithe Farm, with residential dwellings to the north beyond the agricultural fields. Opposite the application site beyond Station Road is Midland Mills Industrial Estate.
- 4.3. The site lies within an area designated as Green Wedge with a section of the north west corner of the site within Flood Zone 2 (FZ2) as defined by the Environment Agency (EA).
- 4.4. Glusburn is identified as a Tier 3 settlement in the Local Plan and is within walking distance of the town, public transport links, and services and facilities.

5.0 Description of Proposal

- 5.1. This application seeks full planning permission for a proposed gymnastics & children's role play building with off street parking and associated works.
- 5.2. The application site would make use of the existing access off Station Road and utilise a small section of the farm track to the site. Access to the car parking area would be via an existing gateway into the field. The access would be constructed of concrete and separated from existing access track with new 1.2m high stone walls. Surrounding the building would be a crushed stone perimeter road and parking spaces constructed of reinforced paving ground markers to allow grass to grow through.
- 5.3. The proposed building measurements would be approximately 7.2m (H) to the ridge, 15.24m (D) and 36.57m (L). This would be split internally into 2 units, splitting the gymnastics area from the children's role play area. The gross internal floor area of the building would be approximately 690m² which includes the whole ground floor, the baby class area at first floor level of unit 2 and the small section of storage area at first floor level of unit 1.
- 5.4. The proposed building would be constructed in part stone and part vertical timber boarding walls, anthracite grey plastisol metal sheeted roof, black UPVC rainwater goods and aluminium windows and doors. Solar panels are proposed to the roof on the south elevation.
- 5.5. Boundary treatments would consist of existing stone walls to the east, new 1.2m high stone walls to the north, existing post and rail fence and stone wall to the south and a new 1.2m high timber post and rail fence to the east.
- 5.6. Soft landscaping would consist of various species of native trees and shrubs and is proposed along the north, east and west boundaries. The scheme would also retain the existing screening adjacent the railway line to the south.

- 5.7. To the north east would be a refuse area.
- 5.8. Pedestrian access is also proposed to north east of the site through a new opening adjacent the existing access off Station Road.
- 5.9. The proposal has been accompanied by a Travel Plan (TP) and Transport Assessment (TA). The TA outlines that the residual cumulative impacts of the proposal would not be severe. The TP indicates the sustainability of the site in relation to sustainable travel.
- 5.10. A Flood Risk Assessment (FRA) has been submitted which identifies that the preferred method of surface water disposal is through a permeable car park construction. Foul drainage is proposed to be connected to the public sewer network.
- 5.11. A Biodiversity Net Gain report has been submitted and has not identified any protected species or designated habitats that would be adversely affected by the proposal. The assessment also indicated that the development would provide an on site bio-diversity net gain of 15%.
- 5.12. The submitted Arboricultural Report has identified that no trees would be lost as a result of this development.
- 5.13. The Sustainable Design and Construction Statement sets out that the building would be compliant with Building Regulations. The materials would be locally sourced. Lights would function on motion and be energy efficient. Solar panels have also been proposed on the south elevation roof slope.

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 (ADP) for this site is the Craven Local Plan 2012 to 2032 adopted November 2019.

Emerging Development Plan – Material Consideration

- 6.3. The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:
 - National Planning Policy Framework 2023 (NPPF)
 - National Planning Practice Guidance (NPPG)
 - National Design Guide 2021 (NDG)

- Good Design in Craven SPD
- Flood Risk & Water Management SPD
- Green Infrastructure and Biodiversity in Craven SPD
- Environment Agency Flood Risk Standing Advice (FRSA)
- Craven Local Plan Parking Evidence - NYCC Interim Parking Standards 2015

7.0 **Consultation Responses**

7.1. The following consultation responses have been received and have been summarised below.

7.2. **Glusburn and Cross Hills Parish Council:**

- Proposal would increase congestion
- Application could be valuable to the area
- Opening times could change and become later
- Area should be kept and maintained as green wedge
- Believe the applicant will infill over time between the application site and the existing farm
- Dangers with access and egress from the application site onto Station Road, for cars and pedestrians
- Would become a cross roads with no signage or control
- Would like to see a Traffic Impact Assessment

7.3. **Ward Member(s):** No comments have been received within the statutory time period or at the time this report had been written. Comments from a neighbouring ward councillor have been received and are summarised in Section 7.19 of this report.

7.4. **Environment Agency:** The proposed development falls within Flood Zone 2. Referred the case officer to the Flood Risk Standing Advice (FRSA) before making a decision.

7.5. **YDNP Wildlife Conservation:** Biodiversity Net Gain (BNG) calculations have been done correctly. There will be a 15% net gain provided that the landscaping is carried out in accordance with the submitted plans.

7.6. **National Gas –** There are no National Gas Transmission assets affected in this area.

7.7. **National Grid –** No nearby assets affected by this proposal. The local distribution network operator look after domestic connections.

7.8. **NYC Highways:**

- Visibility onto the B6172 is good. Improvements to the junction is required via a section 278 agreement.
- Information within Travel Plan is very good.
- Transport Assessment is good and provides sufficient evidence that the cumulative impacts of the development would not be severe.
- Turning and parking is acceptable.
- Conditions recommended for any permission granted.

7.9. **NYC Environmental Health (Craven):**

- Development will be on mains water
- No environmental protection issues that give cause for concern

7.10. **NYC Economic Development (Craven):** No comments have been received within the statutory time period or at the time this report had been written.

7.11. **NYC Trees Officer (Craven):** No comments have been received within the statutory time period or at the time this report had been written.

7.12. **Network Rail:** No objection to the principle of development. Conditions recommended in regard to the construction phase/asset protection, drainage, boundary treatments, landscaping and lighting.

7.13. **NY Fire & Rescue Service:** No objection/observation to the proposed development

7.14. **NYC Planning Gain Consultant (Craven):** Comments have been provided by Lewis Leisure Consultancy on behalf of NYC.

- The proposed development meets Policy INF3 as it will promote health, wellbeing and equality.
- There is no dedicated gymnastics facility in the wider Craven area of North Yorkshire
- Ambitions Gymnastics are at capacity with waiting lists.
- Information from British gymnastics supports that there is a demand and need to support growth.
- The proposed Children Role Play compliments the Ambitions Gymnastics offer.
- The existing swim school also compliments the proposal.
- The internal layout meets a mix of recommended and desirable requirements for foundation and development level gymnastics.
- Car parking spaces meet the British Gymnastics recommendation – ample parking is provided.
- Provides comments on the design and layout.

7.15. **Yorkshire Water:**

- YW will only consider restricted surface water disposal in the combined sewer network, but this is subject to the investigation/testing mentioned in the FRA.
- If the agent/applicant decide after further investigation of the farm's surface water disposal and infiltration/percolation testing, to switch to discharge to public sewer network, then YW would like to be re-consulted for a review of these details.

7.16. **Airedale Drainage Commissioners:** Recommends a pre-commencement condition in regard to a scheme for the disposal of surface water and foul sewage.

Officer Note: A condition has been agreed with the agent.

Local Representations

7.17. 58 (*fifty-eight*) local representations have been received of which 32 (*thirty-two*) are in support, 24 (*twenty-four*) are objecting, 1 (*one*) observation and 1 (*one*) representation from a Councillor of a neighbouring ward. A summary of the comments is provided below, however, please see website for full comments.

7.18. **Support:**

Social/Economic/Environmental Benefits

- Gymnastics club needs a purpose built premises
- Proposal would allow growth of the gymnastics club
- Improves health and wellbeing of the local community
- Economic benefit
- Employment opportunities
- Sustainable transport
- Nothing nearby that offers these services
- Invaluable resource for the development of children
- Improves mental and physical health
- Offers participation opportunities to local people
- Role play aspect would be a great addition to the local area
- Would be a real asset to the community
- Will help local shops and cafes
- Real hub for the community
- No doubt it will be well used
- Will potentially generate funding to offer free sessions to the disadvantaged and special needs children
- Educational benefits
- The centre means so much more than monetary gain
- Provides employment and development through educational coaching
- Would benefit children of all ages
- Reduces anti-social behaviour
- Improves coaching skills
- Opportunities for 13+ gymnasts, SEN needs or who have a disability
- Help grow local talent
- Possibility to collaborate with other businesses and clubs
- Staff of the gymnastics club have a lot of experience
- Impressed with the plan of using sponsorship money
- Ambitions Gymnastics have successfully filled a long standing gap in gymnastics in Craven

Design

- Impressive concept
- Site fits with existing infrastructure such as schools and nurseries
- The new centre sounds very niche and exciting

Highways

- Site is already used for mixed commercial use and has good access
- Improves children's safety and site accessibility
- Reduces carbon footprint

- Wouldn't impact traffic as it would be used during school hours when the traffic is calmer

7.19. **Objections:**

Green Wedge

- Concerns over the loss of Grade 3 agricultural land
- Contrary to the requirements of policy ENV13 (Green Wedge)

Highways

- Traffic impact assessment needed
- Concerns over increase in traffic on highway safety for vehicles and pedestrians
- Existing road is too narrow
- Access to farm is not suitable
- Visibility from existing access
- Not enough parking on site
- Would cause long traffic delays
- Adds to the HGV traffic
- Village doesn't have traffic capacity
- No footpath on farm track – safety

Biodiversity

- Impact on wildlife

Design

- Design is out of keeping in terms of scale and character
- Large windows create an overbearing effect
- Not the right place for the development
- Landscaping will not adequately screen the development from neighbouring properties

Amenity

- Destroy the outlook for the neighbouring domestic properties
- Privacy and overlooking issues
- Long term consequences on the area's amenity and liveability
- Concerns over noise, light and air pollution

Flood Risk

- Flooding – neighbouring properties may flood if measures aren't carried out correctly
- Surrounding fields regularly flood

Miscellaneous

- Set a precedent to develop remaining land
- Photographs provided are not a true representation of the site
- There are ready built units elsewhere to rent
- Farm is becoming an industrial estate
- Contrary to policy EC3
- Proposal if approved may impact the railway station should it re-open in the future

- Impact on climate change
- Planning site notice situated down the farm access track – not visible
- Support comments are not from local residents
- Café on site – customers will not leave for other cafés – no benefit to local community
- Not accessible by train – leads to more car use
- Access from station road to farm track is owned by the Local Authority

7.20. **Observation:**

- Consideration must be given to any detrimental impact on other local, well established groups for children
- Business will ask for sponsorship locally to set up. How can the applicant morally ask for sponsorship from local businesses for the set up of soft play equipment, when it is inevitably going to be for its own profit making gains?
- Physical appearance doesn't seem to be out of place. Consideration has been given to the planting of trees
- No reference to what is available in the vicinity of Cross Hills/Glusburn

7.21. **Councillor Andrew Brown**

- Will retain an open mind until I have seen all evidence.
- Appears to be an application that has significant positives
- The positives include the provision of a useful leisure asset which will benefit the community.
- Another positive is that the location could be seen to be somewhat of the nature of infill
- Negatives some of which could be mitigated by conditions.
- This is agricultural land which is being changed to commercial use.
- The facility will attract extra traffic onto a road which is already congested.
- The proposals for meeting the policy ENV3t seem weak as a large roof area like this provides an obvious opportunity for solar panels.
- Then there is the issue of the low lying nature of the ground and the flooding risk - not entirely clear at this stage how that risk is being managed and mitigated.
- My own view is therefore currently neutral but I believe the issues to be sufficiently significant for an officer decision on the balance of planning gain and loss to be inappropriate.

8.0 Environment Impact Assessment (EIA)

8.1. Given the location, scale, and nature of the proposal it does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment Regulations 2017) (as amended). No Environment Statement is therefore required. No Environmental Statement is therefore required.

9.0 Main Issues

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

- Principle of development
- Sports Facility
- Green Wedge
- Economic
- Design
- Sustainable Design and Construction
- Amenity
- Ecology and Bio-diversity
- Highways
- Traffic movement
- Sustainable transport
- Parking
- Flood risk & drainage
- Surface water
- Foul drainage
- Other matters

10.0 Assessment

Principle of Development

Sports Facility

- 10.1. Policy INF3 supports proposals that allow growth that promotes health, wellbeing and equality by safeguarding and improving sport, open space and built sport facilities. In particular, criterion (a) of the policy states:

“Supporting proposals for the provision of new sport, open space and built sports facilities, or for the improvement of existing sport, open space and built sports facilities, including facilities for temporary events, provided the proposals are of a scale in keeping with the location, are well located and accessible by different modes of transport including walking, cycling and public transport and accord with all relevant local plan policies and any relevant neighbourhood plan policies.”

- 10.2. This application proposes a new sports recreational facility which would be part gymnastics centre and part children’s role play.
- 10.3. The Council’s Sports Development Officer supports the proposal. Their response highlights that there are no suitable dedicated gymnastics facilities within the Wider Craven area of North Yorkshire.
- 10.4. It is therefore considered that the proposal meets the requirements of policy INF3 as the proposal would promote health, well-being and equality through the provision of a new built sports facility.

Green Wedge

- 10.5. Policy ENV13 identifies the Council’s areas of Green Wedge within the Local Plan area. The Policy states that the Green Wedges will be maintain and safeguarded

against the coalescence of separate built up areas and will help to maintain and where possible enhance recreational opportunities.

- 10.6. The policy also states that proposals would be resisted where it would fail to preserve the separate character and identity of settlements or would fail to preserve the sense of separation between settlements.
- 10.7. The proposed application site is located within a small area of the Green Wedge adjacent to the railway line and abuts Station Road. However, due to the scale of the development combined with the separation distances between Cross Hills and Kildwick, the proposed development would not result in the coalescence of nearby settlements and would still preserve the separate character and identity of the nearby settlements.
- 10.8. In conclusion: It is acknowledged that the application proposes a small loss of Green Wedge land. However, the sense of separation from other settlements would remain, even with the erection of such development in this location. This is due to the modest scale of the site, particularly in the context of the wider Green Wedge, and the corner location. It is therefore considered that the proposal would not conflict the requirements of Policy ENV13 and the NPPF.

Economic

- 10.9. Policy EC3 states that Craven's rural economy will be supported, so that it may grow and diversify in a sustainable way to provide long term economic, environmental and social benefits for local communities.
- 10.10. Policy ENV7(a) states that growth in Craven will help to safeguard and improve land quality by

“a) Ensuring significant development avoids the plan area's best and most versatile agricultural land (grade 3) wherever possible, unless the need for and benefit of development justifies the scale and nature of the loss.”
- 10.11. The location makes use of a small parcel (approximately 0.43ha) of agricultural field which is currently used as a grass crop. Its re-use would not lead to a significant loss of crop in relation to the remainder of the grade 3 agricultural land. The applicant previously used this field intensively for livestock. However, due to the conflict between these modern farming techniques and the amenities of the local residents, the use of the field for livestock has now been ceased.
- 10.12. The proposal is for a new sports/recreational facility. As mentioned above, there is no dedicated gymnastics facility in the wider Craven area of North Yorkshire. The proposal would re-use the land in a way that would allow the farm to diversify and create a new revenue stream for the farm occupants whilst also providing job vacancies for the local community. The number of comments in support of this application suggests that the scheme would be widely used by locals as well as those visiting from outside of Craven, bringing an element of tourism to the area, the proposed facility and surrounding local businesses.

10.13. In conclusion: the proposal does use a small area of grade 3 agricultural land. Having said that, it is considered that the benefits of diversifying into a new use of the land would provide social and economic benefits that outweigh the loss of the grade 3 land and therefore meets the requirements of LP policies ENV7, EC3 and the NPPF.

Design

10.14. LP Policy ENV3 sets out the general design principles that contribute to achieving good design, including (inter-alia): a) a response to the context of the site; b) a respect of surrounding built form; c) legibility and place making, and; d) enhancing positives of local environment whilst minimising negatives.

10.15. The application site measures approximately 0.43ha of agricultural land, in an irregular rectangular shape to the north of the existing farm access off Station Road, Cross Hills. The existing ground level of the site currently slopes away adjacent the bridge which continues across the whole site, but gradually reduces and almost evens out towards the western boundary. The screening on the existing site is relatively low, with the existing bridge partially screening the site from Station Road, and the existing trees adjacent the railway line screening the site from the north.

10.16. The proposed level of the building would be flat requiring a small amount of excavation to level the site. The proposed section drawing provide details of the levels on each elevation. The front of the building would be sat 0.3m above the existing level of the site but raises to 0.5m as the building reaches the western boundary due to the existing level of the site. The rear of the building however would be set lower than the existing, with the site levels getting increasingly lower from west to east. This is normal due to the existing site levels and the requirement of enabling the building to sit flat.

10.17. Moving to the eastern elevation, the proposed levels of the site where the building is situated lower from 0.02m above existing ground level to the front, lowering to 0.53m below existing ground level to the rear. However, the eastern elevation gradually increases as you enter the site by approximately 0.01m to the front of the building but slopes off to the rear of the building to ensure that the building sits flat.

10.18. Based on the above, it is considered that the difference in levels of the existing and proposed site are small in scale, and taking into consideration the existing and proposed screening there would be limited public views of the building and would not be appear overbearing in nature, given that the difference in levels is low.

10.19. The street scene and immediate surrounding area is defined by two-storey detached and semi-detached dwellings along Station Road, whilst directly opposite the site is the existing Midland Mills Industrial Estate consisting of two storey units made of part stone, part metal sheeting.

10.20. The proposed access utilises the existing junction and access track off Station Road. The access into the site would again utilise the existing opening into the site off of the private access to New Laithe Farm. A new 1.2m high wall is proposed down this

boundary separating the access track from the application. Beyond the new low level walls would be screening, partially reducing the view of the building from the properties to the north. In conclusion: whilst the proposed screening would be a new feature, it is considered that the visual impact of the access would not be significant, given that it uses the existing access features into New Laithe Farm.

- 10.21. The building would measure approximately 7.2m in height. The proposal due to changes in ground levels would be set down by approx. 3m than the dwellings to the north. The roof ridge would be approx. 4m above the level of the bridge wall along Station Road. However, the screening proposed along this boundary would significantly reduce the visual impact of the development from this elevation. The proposal would be located adjacent to the Airedale railway line and within close proximity with the remainder of the built form of Cross Hills
- 10.22. The proposed building has been designed to meet the needs of the users with sufficient space internally to accommodate for the activities proposed.
- 10.23. The site layout would have provision for all users including sufficient access for emergency services and adequate space within the site for these vehicles to turn and park when required.
- 10.24. Ramped accesses and walkways have been provided around the building which are a sufficient width to accommodate for those that use wheelchairs and prams. Internally, again access and manoeuvring around the building includes sufficient space for users with wheelchairs or children as well as providing accessible toilets and features such as stairlifts to allow all users to access all areas.
- 10.25. A bin store is located to the north west of the site out of the way of the public and accessible from the existing access to New Laithe Farm, adjacent to this bin store is a parking area for bicycles and motorcycles.
- 10.26. Turning to materials, it is proposed that the walls would be part stone and part timber boarding, with anthracite grey metal roof sheets. Windows and doors would be aluminium with the rainwater goods being black UPVC. The design of the building is almost identical to the Industrial Estate opposite. However, this proposal is for vertical boarding and not metal boarding like the adjacent industrial units. The building due to the screening and boundary treatments proposed is viewable from limited public viewpoints. It is considered that the materials proposed would not have a negative visual impact the wider surrounding area, due to the wider site screening and use of similar materials.

Sustainable Design and Construction

- 10.27. Included in the design of the building, the use of solar panels are proposed to the rear roof slope of the building. Electric car charging has also been provided, and where possible the materials would be locally sourced. The building would be built to meet the current building regulation requirements.

10.28. In conclusion: the proposed site levels are small compared to the existing levels. The scale of the building is acceptable and would not appear overbearing in nature. The proposed materials are considered to be acceptable and not have a visual impact upon the surrounding area. The building is considered of scale and size for the use proposed. The screening and boundary treatments proposed around the site reduce the impact upon the surrounding area. Sustainable measures have also been designed into the scheme. Therefore, it is considered that the proposal accords with the requirements of LP policy ENV3 and the NPPF.

Amenity

- 10.29. Policy ENV3, specifically criterion (e) and (f) asserts that development should protect the amenity of existing and business occupiers whilst providing a good standard of amenity for existing and future occupants as well as demonstrating that they will secure a good standard of amenity for all existing and future occupants of land and buildings.
- 10.30. Policy ENV1(f) requires exterior lighting to be kept to a minimum to protect the area's natural surroundings and that exterior lights shall demonstrate that there is no significant adverse impact on the character of the area; visibility of the night sky; biodiversity; and residents, pedestrians or drivers.
- 10.31. The southern elevation would include 2no. single opaque glazed windows and 2no. double opaque glazed windows at ground floor level and a single roller shutter door. At second floor level the proposal would include 2no. double clear glazed window openings and 2no. fire escape doors. Due to the orientation of the building these openings would face towards the existing screened railway line.
- 10.32. The north elevation consist of 2no. entrance door, one for each unit along with 2no. large floor to ceiling windows. At second floor level is 1no. double clear glazed window in each unit. The floor to ceiling window in unit 1 would be opaque glazed whilst the one proposed in unit 2 is clear glazed. In addition, to the opaque glazing proposed in unit 1 there is a separation distance of approx. 49m to the properties to the northeast of the proposal as well as the proposed planting of trees along the northern boundary. It is therefore considered that the residents of Ling House and dwellings beyond would not experience an unacceptable loss of privacy or amenity.
- 10.33. There are no windows proposed in the east and west elevations of the building.
- 10.34. The building is located adjacent to Station Road, a main route into Cross Hills and therefore a level of background noise already exists. It has been noted that there may be a background noise internally such as music etc. whilst the proposed classes are ongoing. However it is considered that this again would be low level due to the classes being proposed are for children and that any loud amplified music may damage their hearing. Internally, the building would be built to the current Building Regulations standards in regard insulation, ventilation etc. Based on the above, it is considered that the noise generated from the building would not have an impact upon the neighbouring properties.

- 10.35. A lighting plan has been submitted with the proposal which shows the external lighting proposed. The front elevation proposes 4no. downlights, two adjacent either of the entrances. Along with these are 2no. up/down lights adjacent the large windows to the front of the building. The light will illuminate the front elevation of the building. The proposed screening along the front boundary is considered to reduce the level of light impact upon the neighbouring properties approximately 49m further up Station Road.
- 10.36. The east and west elevation consist of one floodlight. These would operate by motion sensor and illuminate upon movement detection. The west elevation faces towards open fields and would have no impact on the surrounding properties. The west elevation faces towards Station Road which has screening proposed along the entire boundary reducing the amount of light upon the passers-by.
- 10.37. The rear elevation consist of 3no. lights. 2 of these again would operate by motion sensor and would include one light directly above the fire exits. Due to the existing screening that already exists it is considered that these lights would not dazzle any railway users as they would not be constantly illuminated.
- 10.38. Turning to the parking area. Majority of the parking area is located to the south and west of the building. The parking located on the western boundary face towards open fields and therefore would have no impact on the amenity of surrounding properties. The parking spaces to the south face towards the existing screened railway line and would have no impact upon amenity.
- 10.39. The parking spaces to the east face towards Station Road and would be set at a lower level than the road/bridge and would also be screened by the proposed planting. It is considered that these parking spaces would not have an impact on the amenity of neighbouring properties or passers-by.
- 10.40. The parking spaces to the northwest face towards the fields beyond the neighbouring cul-de-sac to the north east. Again, the proposed planting along this boundary would add to the screening of any car lights. Based on this, this area is not considered to have an impact upon the amenity of the neighbouring properties.
- 10.41. In conclusion: Due to the orientation of the building, finished height and distance from the nearby neighbouring properties it is considered that the nature of the proposal would not harm the living conditions of the neighbours, businesses or any other land or buildings and would afford future occupants a good standard of amenity. Therefore the proposal would not conflict with the requirements of Local Plan Policies ENV3 and the NPPF.

Ecology and Biodiversity

- 10.42. Policy ENV4 highlights the importance of biodiversity within Craven and states that applications for growth in housing, business and other land uses will need to be accompanied by improvements to biodiversity, and wherever possible will make a positive contribution towards achieving a net gain in biodiversity.

- 10.43. The existing site is currently a small parcel of grassed land to the north of the access road to New Laithe Farm, with a site area of approximately 0.43 hectares and is devoid of any trees/shrubs.
- 10.44. The Biodiversity Net Gain Report has not identified any protected species or designated habitats that would be adversely affected by the proposal. The Council's mapping does not highlight any protected species or habitats on this site
- 10.45. Information provided via the Defra Biodiversity Metric, indicates the existing site has biodiversity value of 0.77. The proposed site plan identifies three new habitat areas. The three new habitats would include an area of 0.072ha of mixed scrub, along with four heavy standard native urban trees. The proposed planting increases the biodiversity value of the site to 0.89 meaning that a 15% net gain has been provided.
- 10.46. The Council consulted with the YDNP Wildlife Conservation Officer on the proposed application who has reviewed the information provided and confirmed that the metric has been carried out correctly with a 15% net gain, providing that the landscaping is carried out in accordance with the submitted plans.
- 10.47. In conclusion: It is therefore considered that the proposal complies with the requirements of Policy ENV4 and the NPPF.

Highways

- 10.48. LP Policy INF4 seeks to minimise congestion, encourage sustainable transport modes and ensure proper provision of parking and management of cars and other vehicles.
- 10.49. LP Policy INF7 seeks to maximise opportunities for sustainable travel modes, including by ensuring that all developments maximise opportunities to travel by noncar modes of transport.
- 10.50. NPPF Paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Traffic movement

- 10.51. The proposal is utilising an existing vehicle access which services the farming operation and additional operational businesses. It is acknowledged that the proposal would result in an increase in vehicle movements. A transport assessment and travel plan was submitted in support of the proposal. NYC Highways have reviewed the report and confirm the cumulative impacts of the proposed development would not be severe in transport terms. Conditions have been proposed in connection with the junction off of the B6172 to improve the design for both vehicles and pedestrians.

Sustainable transport

10.52. As mentioned previously, within 1km of the site is almost all of the remainder of the Cross Hills, suggesting that a large amount of the population is within walking distance. Within 8km are Keighley and Skipton, which allow users of the facility to cycle. Given the users of the building may not be of a suitable age to use the road network, it is important to note that the Canal can be used, which is a traffic free journey. Additionally, the nearest bus route is approximately 80m from the site. This service is the *66 Dalesway*, which is frequent journey from Keighley to Skipton allowing visitors as well as staff to access the site by bus.

Parking

10.53. In terms of parking, the proposed development has a sufficient area surrounding the building to accommodate for the parking of the users. Provision has been made for cyclists, disabled users, families with children, minibuses and electric vehicle charging. NYC Highways are satisfied with the turning and parking area, with the parking provided meeting the British Gymnastics recommendation, previously highlighted by the Council's Planning Gain Consultant.

10.54. In conclusion: the proposal is acceptable in terms of the cumulative impacts on the highway. Given the location of the development, it is considered that the site is sustainable in terms of using noncar transport modes. The parking provided has is sufficient and acceptable. Therefore, the proposal accords with CLP Policies INF4, INF7 and paragraph 111 of the NPPF.

Flood Risk & Drainage

10.55. LP Policy ENV6 requires that growth will help alleviate and avoid flood risk. This will be achieved by: locating development in low flood risk areas where possible; incorporating sustainable drainage systems; maintaining access to watercourses; avoiding areas which with the potential to increase flood resilience and enhancing natural flood resilience as far as possible. The risk of surface water flooding will be minimised by adequate provision for foul and surface water disposal. Surface water should be managed at source. Adequate provision for sufficient attenuation is required.

10.56. LP Policy ENV8(a) requires new development to be adequately served by sewerage and waster water treatment infrastructure which safeguards surface and ground water resources.

10.57. Part of the application site to the north west quadrant lies within Flood Zone 2. The quadrant with the remainder of the site falling within Flood Zone 1. The are subject to Flood Zone 2 comprises mostly of the car parking area and proposed landscaping to the western boundary of the site, as well as the access to the application site.

10.58. The FRA states that the development would fall within that categorised as 'Less Vulnerable'. The EA have been consulted and advised that the development needs to comply with their standing advice.

- 10.59. The FRSA states that the finished floor levels should be a minimum of 300mm above a) the average ground level; b) adjacent road level; c) estimated river or sea flood level. The proposed sections drawing submitted with the application shows that at the point where Flood Zone 2 affects the building, the external level of the building would sit approximately 0.46m above the existing level of the site.
- 10.60. The Flood Risk Assessment (FRA) submitted with the application states that the internal ground floor level of the building would be set at 150mm above this. It is therefore considered that the development is considered to be acceptable and in accordance with Policy ENV6.

Surface water

- 10.61. Policy ENV6(e) states that development will minimise the risk of surface water flooding by ensuring adequate provision for foul and surface water disposal prior to occupation.
- 10.62. The site has not been identified as being at risk of surface water flooding.
- 10.63. The FRA outlines that SW will be disposed of through a permeable car park construction, however, at the time of the consideration the report states that no percolation tests of ground conditions has been undertaken. Airedale Drainage Commissioners (ADC) have been consulted and have recommended a condition requiring prior approval of a scheme for the disposal of surface water to be agreed. It is therefore recommendation that if approved a condition would be imposed to control this issue.
- 10.64. In conclusion: it is considered that the proposal would be acceptable in terms of surface water subject to the implementation of the scheme to be agreed with the Council.

Foul drainage

- 10.65. Yorkshire Water have been consulted on the proposal and provide comments in regard to the proposed scheme. The comments provided are on the basis that the foul water will be discharged to a public combined sewer via an existing drainage system that serves New Laithe Farm. ADC have recommended a condition that requires a scheme for foul sewage to be approved before development commences.
- 10.66. In the course of determining this application the Flood Risk Assessment and plans set out the following mitigation measures:
- the external level of the building within FZ2, would sit approximately 0.46m above the existing level of the site;
 - the internal ground floor level of the building would be set at 150mm above the proposed external level;
 - SW will be disposed of through a permeable car park construction;

- Foul water discharge would connect to the existing foul drain from New Laithe Farm or to the public combined sewer in station Road (subject to survey and confirmation of routeing).

10.67. Due to the development being classified as 'less vulnerable' the EA have advised that any development should follow the EA's standing advice. Therefore subject to the above measures being secured by planning conditions this proposal would not conflict with the EA's standing advice. The sequential test has been satisfied and the proposal would not be at risk of flooding or increase the risk of flooding elsewhere. For the above reasons, the proposal would not conflict with Local Plan Policy ENV6, the Framework, or the PPG.

Other Matters

- 10.68. Some of the representations received have concerns on outlook. This is not a material planning consideration.
- 10.69. The representations received make reference to the site notice not being visible. The case officer placed a new site notice adjacent to the site on a lamppost.
- 10.70. It has been noted that comments have been made in regard to setting a precedent. This application has been assessed based on its own merits. Any application for land surrounding this site will also be assessed on its own merits.
- 10.71. An area of land has been safeguarded by the Craven Local Plan for Cross Hills Railway Station. This falls adjacent to this application site. At the time of writing this report no application has been submitted for the land allocated under LP policy SP2. Plans to develop this site were disregarded in 2017 due to expected funding. Should any application be submitted for this area of land they will be considered on its own merits.
- 10.72. Representations have also been made in relation to the access from Station Road being owned by the Local Authority. The case officer has checked Land Registry which shows that the access falls under the applicants ownership.
- 10.73. The local planning authority is required to give '*due regard*' to: (a) the need to eliminate discrimination, harassment, victimisation; (b) advance equal opportunity, and; (c) foster good relations through consciously thinking about the three aims of the Equality Duty as part of the process of decision-making. The local planning authority have fulfilled their duties and obligations accordingly.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. It is well established through Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Paragraphs 11 & 12 of the NPPF that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The NPPF is one such material consideration.

- 11.2. NPPF Paragraph 11(c) echoes this: proposals should be made in accordance with development plans providing they are up to date. NPPF Paragraph 11(d) establishes where the development plan contains “no relevant development plan policies” or these key policies are out of date then permission should be granted unless harm to protected areas or assets provide a clear reason for refusal (Paragraph 11(d)(i)), or, the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole (Paragraph 11(d)(ii)).
- 11.3. It is considered that the principle of development is acceptable. The application site falls within the green wedge, however the area of loss is not deemed significant in terms of the social and economic benefits provided by the scheme in support of INF3 and EC3.
- 11.4. The scale and massing of the development is not considered to be over dominant on the street scene or on the surrounding neighbouring properties. The proposal is considered to be in keeping with the surrounding area and not to have an impact upon the amenity of the neighbouring properties.
- 11.5. The proposal has a biodiversity net gain of 15% and therefore meets the requirements of ENV4.
- 11.6. The proposal is not considered to have a severe impact upon the highway network, offers sustainable transport methods and the parking provided is acceptable.
- 11.7. The proposal would not be at risk of flooding or increase the risk of flooding elsewhere. The sequential test has been satisfied.
- 11.8. The proposal has been considered against all other development management considerations that arise from the development. The report demonstrates that the proposal is satisfactory in these regards subject to conditions where necessary.
- 11.9. Given that the proposal accords with the requirements of the relevant Local Plan policies, the application is recommended for approval accordingly.

12.0 RECOMMENDATION

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

Conditions and Reasons

Time Limit for Commencement

1. The development must be begun not later than the expiration of three years from the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings and documents listed below:

- Sections as Existing and Proposed - Drawing no. P2176-001A - received 19th October 2023
- Elevations as Proposed - Drawing no. P2176-002A - received 19th October 2023
- Floor Plan as Proposed - Drawing no. P2176-003A - received 19th October 2023
- First Floor as Proposed - Drawing no. P2176-004A - received 19th October 2023
- Detail/Roof Plan - Drawing no. P2176-007A - received 19th October 2023
- Site Plan as Proposed Drawing no. P2176-009A - received 7th November 2023
- Site Plan as Proposed - Drawing no. P2176-010A - received 19th October 2023
- Lighting Plan - Drawing no. P2176-011 A - received 19th October 2023
- Planning, Design & Access Statement - received 10th October 2022
- Sustainable Design and Construction Statement - received 10th October 2022
- Envirotech Biodiversity Net Gain Report - received 4th January 2023
- Flood Risk Assessment - received 4th May 2023
- Travel Plan - received 30th August 2023
- Transport Assessment - received 30th August 2023

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Craven Local Plan 2012-2032 and the National Planning Policy Framework.

Before you Commence Development

3. No development approved by this permission shall be commenced until the Local Planning Authority, in consultation with Airedale Drainage Commissioners, has approved a scheme for the disposal of surface water and foul sewage.

Any such scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

The following criteria should be considered for the disposal of surface water:

- The suitability of soakaways, as a means of surface water disposal, should first be ascertained in accordance with BRE Digest 365 or other approved methodology.
- If soakaways are not feasible, then Airedale Drainage Commissioners may consider a proposal to discharge surface water to a watercourse (directly or indirectly) at a discharge rate of no more than 1 litres per second.
- Storage volume should accommodate a 1:30 year event with no surface flooding and no overland discharge off the site in a 1:100 year event. A 30% allowance for climate change should be included in all calculations. A range of durations should be used to establish the worst-case scenario.

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

4. Development shall not commence until a construction methodology has been submitted to and approved in writing by the Local Authority. The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. The development shall thereafter be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority.

Reason: The safety, operational needs and integrity of the railway.

5. Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority.

The development must only be carried out in compliance with the approved engineering drawings.

Reason: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.

6. Prior to commencement of development, the following schemes of off-site highway mitigation measures must be completed as indicated below:

- Junction improvement works description at Land To South East New Laithe Farm Station Road Cross Hills Keighley BD20 7DT

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit.

A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority.

Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

Reason: To ensure that the design is appropriate in the interests of the safety and convenience of highway users.

7. No development shall take place until a scheme for the provision of wheel washing facilities to be operated during the construction period has been submitted to and approved in writing by the Local Planning Authority.

These facilities must be kept in place in full working order and available for use whilst the site is operational. All vehicles involved in the transport of waste materials or finished products from the site must leave the site through the wheel washing facility so that no mud or waste materials are deposited on the public highway.

Reason: To ensure that satisfactory provisions are made for wheel washing facilities for construction traffic in order to prevent material trailing onto the highway in the interests of highway safety and visual amenity in accordance with the requirements of Craven Local Plan Policy ENV3 and the National Planning Policy Framework.

Before the Development is Occupied

8. Prior to first occupation, the developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (approx. 1.8m high) and make provision for its future renewal and maintenance.

Network Rail's existing fencing/wall must not be removed or damaged.

Reason: The safety, operational needs and integrity of the railway.

9. Prior to first occupation, the developer must provide a suitable vehicle incursion measure. This should be located where vehicles may be in a position to drive/roll on to the railway or damage the lineside fencing.

Network Rail's existing fencing / wall must not be removed or damaged.

Reason: The safety, operational needs and integrity of the railway.

10. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users at Land To South East New Laithe Farm Station Road Cross Hills Keighley BD20 7DT have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

During Building Works

11. The development hereby approved will be constructed in accordance with the materials detailed on the approved plans.

Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of Craven Local Plan Policy ENV3 and the National Planning Policy Framework.

Ongoing Conditions

12. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the landscaping scheme for the site shown on drawing no. P2176-009A shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be maintained as landscaped areas thereafter in accordance with the details shown on the approved plan. Any trees, hedges or shrubs removed, dying, being severely

damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site in the interests of visual amenity, to enhance the character of the street scene and to provide biodiversity enhancements in accordance with the requirements of Craven Local Plan Policy ENV4 and the National Planning Policy Framework

13. No site preparation, delivery of materials or construction works, other than quiet internal building operations such as plastering and electrical installation, shall take place other than between 08:00 hours and 18:00 hours Monday-Friday and between 08:00 hours and 13:00 hours on Saturdays.

Reason: To safeguard the amenities of occupiers of surrounding properties during construction of the development and to limit the potential for unacceptable noise and disturbance at unsocial hours in accordance with the requirements of Craven Local Plan Policy ENV3 and the National Planning Policy Framework

14. The premises shall only be open for trade or business (including deliveries) between 0900 hours and 2100 hours Monday to Saturday and between 0900 hours and 1500 hours on Sundays.

Reason: To limit the potential for noise generation during unsocial hours and to prevent nuisance arising in order to safeguard the amenity of the occupiers of surrounding residential properties in accordance with the requirements of Craven Local Plan Policy ENV3 and the National Planning Policy Framework

15. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, any external lighting on the site shall be installed in accordance with the lighting scheme indicated on drawing no. P2176-011 A.

Reason: To ensure that any external lighting to be installed at the site does not cause a nuisance to surrounding occupiers or detract from visual amenity in the surrounding area as a result of light pollution in accordance with the requirements of Craven Local Plan policy ENV3 and the National Planning Policy Framework.

16. The refuse area shown on drawing no. P2176-007A shall be constructed in accordance with the details (including its size, height, siting, design and materials) indicated on the approved plans and made available for use before the building hereby approved is first occupied. The duly constructed refuse area shall be retained as such thereafter.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse in the interests of visual amenity in accordance with the requirements of Craven Local Plan policy ENV3 and the National Planning Policy Framework.

17. The development hereby permitted shall be carried out in accordance with the submitted Biodiversity Net Gain Report prepared by Envirotech and dated 7th December 2022, to ensure that there is a net gain in biodiversity within a 30-year period as a result of the development and the Plan shall be implemented in full.

Monitoring reports will be submitted to the Council during years 5, 10, 20 and 30 from the commencement of development unless otherwise stated in the Biodiversity Management Plan, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

Reason: In the interests of ensuring measurable net gains to biodiversity and in accordance with Policy ENV4 of the Craven Local Plan Strategic Policies 2012 - 2032 and the National Planning Policy Framework 2023.

18. Doors and other openings shall be kept shut (other than for access and egress).

Reason: To limit the potential for noise generation during unsocial hours and to prevent nuisance arising in order to safeguard the amenity of the occupiers of surrounding residential properties in accordance with the requirements of Craven Local Plan Policy ENV3 and the National Planning Policy Framework.

19. The premises must be designed to ensure that music, PA systems and other ancillary noise i.e. verbal instructions from the teachers/instructors, from the premises is controlled so as to be inaudible at the boundary with the closest noise sensitive premises. Inaudibility is defined as:

- Entertainment Noise Level, LAeq (1 minute) should not exceed Representative Background Noise Level, LA90;
- Entertainment Noise Level, L10 (5 minutes) should not exceed Representative Background Noise Level, L90, in any 1/3 octave band from 40Hz to 160Hz

Reason: To limit the potential for noise generation during unsocial hours and to prevent nuisance arising in order to safeguard the amenity of the occupiers of surrounding residential properties in accordance with the requirements of Craven Local Plan Policy ENV3 and the National Planning Policy Framework.

20. Any system required for the ventilation of the building shall only be installed in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include: (i) details of the siting, design and finish (including colour treatment) of any internal or external equipment; (ii) measures to attenuate noise and minimise vibration arising from its operation; (iii) manufacturer's operating instructions; and (iv) a programme of equipment servicing/maintenance.

The system shall thereafter be installed in accordance with the duly approved scheme and the ventilation equipment shall be operated, maintained and where necessary repaired in accordance with the manufacturer's instructions and programme of equipment servicing/maintenance.

Reason: In the interests of the amenity of neighbouring occupiers and to ensure that any ventilation can be accommodated without detriment to the character and appearance of the host building and surrounding area in accordance with the requirements of Craven Local Plan policy ENV3 and the National Planning Policy Framework.

Informative(s)

1. **Statement of Positive Engagement:**

In dealing with this application North Yorkshire Council (Craven) has sought to approach the decision making process in a positive and creative way, in accordance with the requirements of paragraph 38 of the NPPF.

2. **Network Rail Standard Informatives**

Please note, not all of these requirements may be applicable to this development:

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

With a development of a certain height that may/will require use of a crane, the developer must bear in mind the following. Crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Project Manager prior to implementation.

Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land.

Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Demolition

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence.

Vibro-impact Machinery

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

Bridge Strikes

Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in 'Bridge strikes'. Vehicles hitting railway bridges cause significant disruption and delay to rail users. Consultation with the Asset Protection Project Manager is necessary to understand if there is a problem. If required there may be a need to fit bridge protection barriers which may be at the developer's expense.

Abnormal Loads

From the information supplied, it is not clear if any abnormal loads will be using routes that include any Network Rail assets (e.g. bridges and level crossings). We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Project Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.

Two Metre Boundary

Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.

ENCROACHMENT

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail airspace and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or airspace is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

Access to the Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

Standard Drainage Requirements

We ask that all surface and foul water drainage from the development area be directed away from Network Rail's retained land and structures into suitable drainage

systems, the details of which are to be approved by Network Rail before construction starts on site.

Water must not be caused to pond on or near railway land either during or after any construction-related activity.

The construction of soakaways for storm or surface water drainage should not take place within 20m of the Network Rail boundary. Any new drains are to be constructed and maintained so as not to have any adverse effect upon the stability of any Network Rail equipment, structure, cutting or embankment.

The construction of soakaways within any lease area is not permitted.

The construction of surface water retention ponds/tanks, SuDS or flow control systems should not take place within 20m of the Network Rail boundary where these systems are proposed to be below existing track level. Full overland flow conditions should be submitted to Network Rail for approval prior to any works on site commencing.

The construction of surface water retention ponds/tanks, SuDS or flow control systems should not take place within 30m of the Network Rail boundary where these systems are proposed to be above existing track level. Full overland flow conditions should be submitted to Network Rail for approval prior to any works on site commencing.

If a Network Rail-owned underline structure (such as a culvert, pipe or drain) is intended to act as a means of conveying surface water within or away from the development, then all parties must work together to ensure that the structure is fit for purpose and able to take the proposed flows without risk to the safety of the railway or the surrounding land.

Wayleaves and or easements for underline drainage assets

The position of any underline drainage asset shall not be within 5m of drainage assets, sensitive operational equipment such as switches and crossings, track joints, welds, overhead line stanchions and line side equipment, and not within 15m of bridges, culverts, retaining walls and other structures supporting railway live loading.

Protection of existing railway drainage assets within a clearance area

There are likely to be existing railway drainage assets in the vicinity of the proposed works. Please proceed with caution.

No connection of drainage shall be made to these assets without Network Rail's prior consent to detailed proposals. Any works within 5m of the assets will require prior consent.

There must be no interfering with existing drainage assets/systems without Network Rail's written permission.

The developer is asked to ascertain with Network Rail the existence of any existing railway drainage assets or systems in the vicinity of the development area before work starts on site. Please contact Asset Protection

assetprotectioneastern@networkrail.co.uk for further information and assistance.

3. Applicants are reminded that in addition to securing planning permission other permissions may be required from North Yorkshire County Council as Local Highway Authority. These additional permissions can include, but are not limited to: Agreements under Sections 278, 38, and 184 of the Highways Act 1980; Section 38 of the Commons Act 2006, permissions through New Roads and Streetworks Act 1991 and Local Authorities' Traffic Orders (Procedure) (England and Wales)

Regulations 1996 (as amended and including all instruments, orders, plans, regulations and directions).

Further information on these matters can be obtained from the Local Highway Authority. Other permissions may also be required from third parties. It is the applicant's responsibility to ensure all necessary permissions are in place.

4. It is recommended that in order to avoid abortive work, discussions are held between the applicant, the Local Planning Authority and the Local Highway Authority before a draft layout is produced and any detailed planning submission is made.

To assist, the Local Highway Authority can provide a full list of information required to discharge this condition. It should be noted that approval to discharge the condition does not automatically confer approval for the purposes of entering any Agreement with the Local Highway Authority.

The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

5. Notwithstanding any valid planning permission for works to amend the existing highway, there must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and North Yorkshire Council as the Local Highway Authority. To carry out works within the highway without a formal Agreement in place is an offence.
6. The proposals should cater for all types of vehicles that will use the site. The parking standards are set out in North Yorkshire Council's 'Interim guidance on transport issues, including parking standards' and subsequent amendments available at <https://www.northyorks.gov.uk/sites/default/files/2023-05/Interim%20guidance%20on%20transport%20issues%20including%20parking%20standards%20-%20accessible.pdf>

7. Charging Points

The applicant/developer is advised that in the interests of promoting sustainable travel opportunities electric vehicle charging points should be provided.

8. Noise

The applicant needs to have regard to the BS8233:2014 Guidance on 'Sound Insulation and Noise Reduction for Buildings' which presents guideline noise levels for both inside and outside dwellings.

Target Determination Date: 29th June 2023

Extension of Time Date: 8th December 2023.

Case Officer: Mr Owen Holmes

Email: Owen.Holmes@northyorks.gov.uk