Agenda

Meeting **Skipton and Ripon Area Planning Committee**

To: **Councillors Nathan Hull (Chair), Andy Brown (Vice-Chair), Barbara Brodigan, Robert Heseltine, David Ireton, David Noland and Andrew Williams.**

Date: **Monday, 10 November 2025**

Time: **1.00 pm**

Venue: **Ripon Town Hall, Market Square, Ripon, HG4 1DG**

This meeting is being live broadcast and recorded and will be available to view via our website and uploaded to our Youtube channel.

Business

1. **Apologies for absence**

2. **Minutes of the meeting held on 8 September 2025** **(Pages 3 - 6)**

3. **Declarations of interests**

All Members are invited to declare at this point any interests, including the nature of those interests, or lobbying in respect of any items appearing on this agenda.

4. **HGTZC024/03097/FUL - Demolition of former petrol station and erection of 6 no. self-contained residential apartments and associated parking at site of Skellbank Garage, Skellbank, Ripon, North Yorkshire, on behalf of Tate Fuel Oils Ltd.** **(Pages 7 - 34)**

Report of Head of Development Management – Community Development Services.

5. **25/01962/FUL - Installation of ground mounted solar panels, landscaping and associated works at land to the east of the Swinton Estate, located to the east of Swinton Road and south of Masham Golf Course on behalf of Swinton Estate.** **(Pages 35 - 52)**

Report of Head of Development Management – Community Development Services.

6. **Any other items**

Any other items which the Chair agrees should be considered as a matter of urgency because of special circumstances.

7. Date of next meeting

Tuesday 02 December 2025 at 1pm.

Members of the public are entitled to attend this meeting as observers for all those items taken in open session. You may be interested in subscribing to updates about this or any other North Yorkshire Council committee.

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Friday, 31 October 2025

North Yorkshire Council

Skipton and Ripon Area Planning Committee

Minutes of the meeting held on Monday, 8 September 2025 commencing at 1.00 pm.

Councillor Nathan Hull in the Chair plus Councillors Robert Heseltine, David Ireton and David Noland.

Officers present: Stuart Mills, Development Management Team Manager; Joshua Arthur, Planning Officer; Edward Smith, Environmental Health Technical Officer; Kate Lavelle, Solicitor and Vicky Davies, Senior Democratic Services Officer.

Apologies: Andy Brown and Barbara Brodigan. .

Copies of all documents considered are in the Minute Book

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168 Apologies for absence

Apologies for absence were received from Councillors Barbara Brodigan and Andy Brown.

169 Minutes of the meeting held on 5 August 2025

The minutes of the meeting held on 5 August 2025 were confirmed and signed as a correct record.

170 Declarations of interests

There were no declarations of interests. However, the Chairman, Councillor Nathan Hull had been contacted by Mr Dyson (the objector). He stated that he had not expressed any views and would consider the application before him with an open mind.

171 ZC25/00215/FUL - Construction of earth banked slurry lagoon at Inglehurst Farm, Cold Cotes Road, Felliscliffe, Harrogate, North Yorkshire HG3 2LW on behalf of Mr Stephen Bradley.

Considered –

The Head of Development Management – Community Development Services sought determination of a planning application for the construction of an earth banked slurry lagoon at Inglehurst Farm, Felliscliffe. The application had been called in by Councillor Nathan Hull, Division Member for Washburn and Birstwith. This was because the site was located within the Nidderdale National Landscape and there being local and public interest in the matter and the need for transparency.

In considering the report, regard had been paid to the policies of the relevant development plan, the National Planning Policy Framework and all other material planning considerations.

Where the Committee granted planning permission in accordance with the recommendation in the report this was because the proposal was in accordance with the development plan, the National Planning Policy Framework or other material planning considerations.

Members of the Committee had visited the site to gather factual information and visualise any impact the proposed development could have on the area.

Updating the report, the planning officer amended paragraphs 10.13 in that the lagoon measured 36m in width along its eastern and western sides, not 26m as shown and 10.44 the holding should be 92 acres not 96 acres.

The construction of the slurry lagoon would ensure efficiency of the existing agricultural enterprise as well as ensuring the farming operation was fully compliant with current and future legislation. The proposed lagoon was considered to integrate well within the wider rural landscape and would not result in significant harm to residential amenity, over and above that could be reasonably expected for premises located in close proximity to an agricultural enterprise. The lagoon would be covered by a membrane and there would be an installation of an underground slurry channel to connect to the existing reception pit. The proposed lagoon would provide for a minimum of 6 months' storage and to allow for future expansion of livestock. While storage capacity would be increased by 517%, vehicle movements on the highways were not expected to increase because the current smaller lagoon required more frequent emptying.

The following persons spoke in accordance with the Council's public participation scheme:

Mr Mark Dyson and Callum Gillhespy, objectors (the allocated time was split between them).
Mr Andrew Hardcastle, agent for the applicant.

During consideration of the application, Members discussed the following issues:

- The potential increase in odours that could emanate from the lagoon.
- The lagoon would be gravity fed from underground pipes which should cut down on odours and the static noise from the current pump.
- The proximity to adjacent businesses/residential properties.
- Concern that slurry could be imported from other farm holdings.

Resolved –

That the application is GRANTED subject to the conditions set out in the Assistant Director's report and two additional conditions:

1. Within 6 months of the slurry lagoon hereby permitted being brought into use, the existing above ground slurry store at the site, as shown on the proposed site plan received by the Council on 23.06.2025, shall be emptied and wholly removed.

   Reason: In the interests of visual and residential amenity.

2. Slurry deposited in the lagoon hereby permitted shall be strictly from cattle houses on the agricultural unit at Inglehurst Farm.

   Reason: In the interests of residential amenity.

Voting record –

A vote was taken and the motion was declared carried with 3 in favour and 1 against.

172 Any other items

There were no urgent items of business.

173 Date of next meeting

Tuesday, 7 October 2025 at 1pm.

The meeting concluded at 1.58 pm.

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North Yorkshire Council

Community Development Services

Skipton and Ripon Area Planning Committee

10th November 2025

HGTZC24/03097/FUL – Demolition of former petrol station and erection of 6 no. self-contained residential apartments and associated parking at Site of Skellbank Garage, Skellbank, Ripon, North Yorkshire, on behalf of Tate Fuel Oils Limited

Report of the Head of Development Management – Community Development Services

1.0 Purpose of the Report

1.1. To determine a planning application for the demolition of the former petrol station and the erection of 6 no. self-contained residential apartments and associated parking on land at the Site of Skellbank Garage, Skellbank, Ripon.

1.2. This application is referred back to the Area Planning Committee further to the resolution made by the Committee at the meeting on 2 June 2025.

2.0 SUMMARY

2.1 The application as presented to the Committee on 2 June 2025 was recommended for refusal on the grounds that

1. The design of the proposed development fails to reflect local characteristics of the Ripon Conservation Area at ground floor level such to be harmful to the character of that Conservation Area and through its form the setting of the adjacent listed building, and with a lack of detail matters leading to a full impact assessment on those heritage assets not being achievable, would be contrary to Policies HP2, HP3 and NE5 of the Harrogate District Local Plan 2014-2035, Policy C.1 of the Ripon Neighbourhood Plan to 2030, the Harrogate District Heritage Management Guidance Supplementary Planning Document November 2014, the Ripon Conservation Area Character Appraisal June 2009 and the National Planning Policy Framework paragraph 11(d) and its related key policies set out at paragraphs 129 and 135.

2. The development site is within Gypsum Area C. No Ground Stability report has been submitted as required by Policy NE9 of the Harrogate District Local Plan 2014-2035 and no appropriate report or declaration form has been provided. The development would not adequately satisfy the criteria of policy NE9 in demonstrating that the proposal would safeguard future occupants of the proposed new apartments against subsidence due to the dissolution of Gypsum.

3. Insufficient information has been provided to demonstrate the development will contribute to a reduction in both the extent and the impacts of climate change and the proposal is therefore in conflict with Policy CC4 of the Harrogate District Local Plan 2014-2035.

2.2 The Committee on 2 June resolved that it was minded to approve the application, but the decision was deferred subject to the receipt of a satisfactory gypsum report and for planning conditions, which were to be presented back to the Committee at the earliest opportunity.

2.3 Since the application was considered by the Committee in June a ground investigation has been undertaken. To a depth of 35m no open voids were found, although the solid strata did entomb former voids filled with debris, which is taken as being from their former partial collapse. The presence of gypsum was recorded.

2.4 A reinforced raft was initially stated in a report of 19 June as being an appropriate form of foundation report and that would be in keeping with other developments in the area severely affected by gypsum dissolution.

2.5 Subsequently, further evidence of 16 August was received in which the foundation design had changed to a piled foundation.

2.6 The use of piled foundations introduced new concerns given the close proximity of a Grade II Listed Building.

2.7 Confirmation that such foundations could be used without causing harm to the Listed Budling was sought.

2.8 The original response in that respect of 9 September when queried was supported by financial liabilities more than an assurance that the Listed Building would be unharmed.

2.9 A piling feasibility review authored by an Engineer Accredited in Building Conservation was received on 16 October 2025.

2.10 Following the June committee consideration of this application less than significant harm would be caused to the designated heritage assets subject to an appropriate foundation design being confirmed.

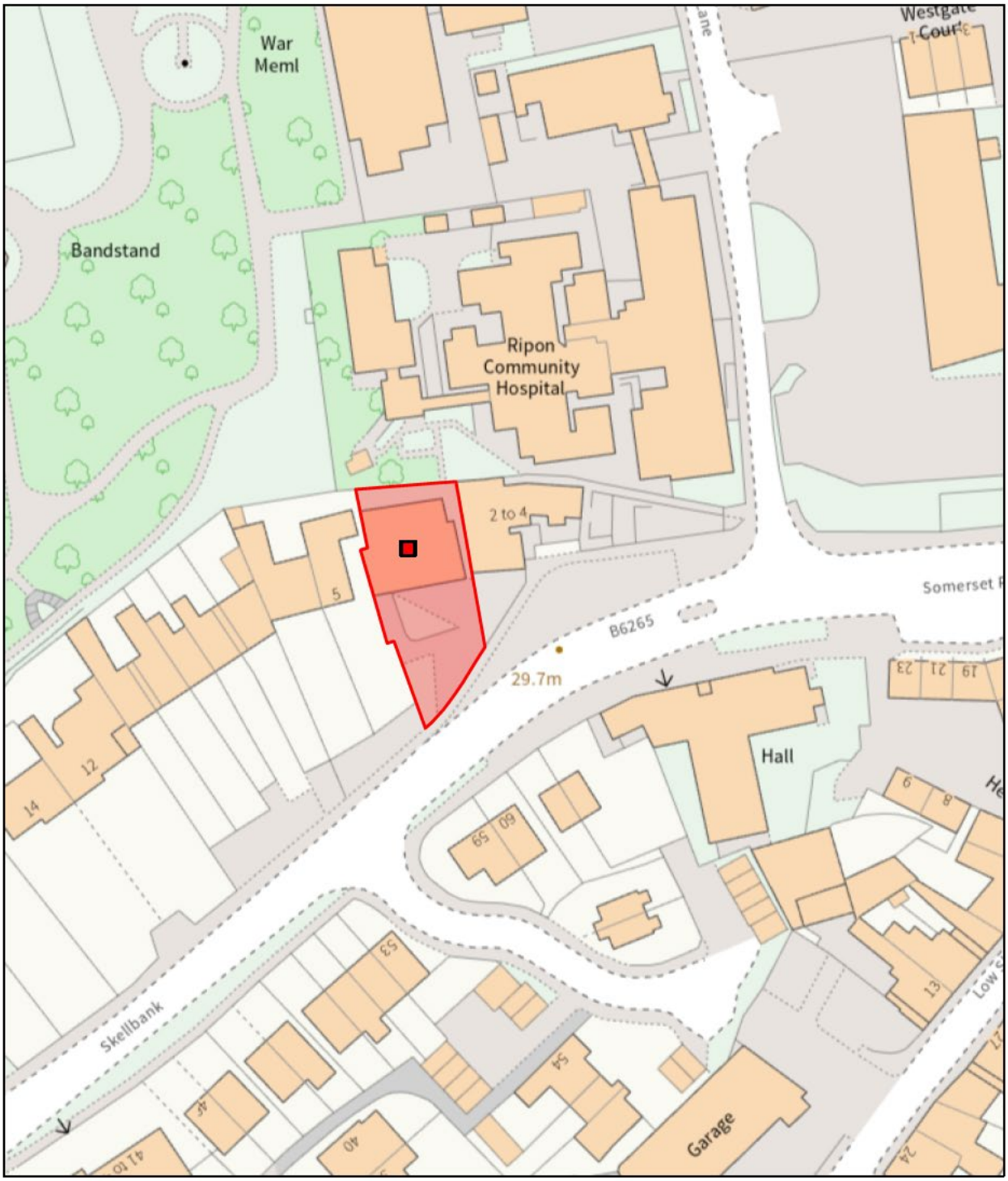
2.11 In the absence of a 5-year housing land supply housing development is normally to be permitted under paragraph 11 of the NPPF, and the less than significant harm to designated heritage assets is outweighed by the optimum value use that will be achieved.

2.12 Whilst an investigation into the presence of gypsum has confirmed the development could go ahead that on the basis of piled foundations being used, no certainty has yet been provided that such foundations can be used without undue harm being caused to the adjacent listed buildings, with the need for further site investigation.

2.13 At the time of writing sustainable design also remains to be addressed.

RECOMMENDATION: That decision be DEFERRED and Officers authorised to Grant the application upon receipt of a further site investigation along with the confirmation of an appropriate foundation design to be used that safeguards the adjacent listed buildings, subject to the completion of a Section 106 agreement for £2,500 contribution to update the parking restrictions in line with the proposed junction changes at the Skellbank junction by means of amended yellow lines following the kerbing and related Traffic Regulation Order required for such a change.

Map



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3.0 Preliminary Matters

3.1. Access to the case file on Public Access can be found here.

3.2. The application has been revised since its original submission, which featured seven apartments in a flat roofed structure.

3.3. There are two relevant planning applications for this application which are detailed below.

6.31.227.I.FUL (HGT02/04953/FUL) Demolition of filling station and erection of block of eight no flats. Granted 27.08.2003.

6.31.227.K.FUL (HGT16.03629/FUL) Development of former petrol filling station forming 8no. self-contained apartments with associated off-street parking, secure cycle storage, and refuse facilities. Application Closed 15.05.2019.

4.0 Site and Surroundings

4.1. The site lies on the north side of Skellbank within the Ripon Conservation Area, approximately 300m south-west of Ripon city centre. Ripon Hospital is to the north, the main block of which is a listed building, Spa Gardens lie to the north-west.

4.2. To the east, four flats have been formed from a former public house / restaurant and a dwelling. There is a west facing bedroom window to one of the flats.

4.3. The adjacent dwellings to the west, 5 and 6 Skellbank, are listed as being of Grade II Architectural and / or Historic Merit due to their special architectural and historic interest. 7 to 11 Skellbank beyond are considered non-designated heritage assets, as explained in the heritage assessment below.

4.4. The site is fenced off and has been unused since 2008, acquiring an overgrown derelict appearance. The petrol pumps and overhead canopy have been long removed. A flat roofed building which formerly accommodated a shop with a vehicle repairs workshop area remains set back with a hard surfaced forecourt area.

4.5. Brick walled boundaries exist to either side and there is a steep embankment to the rear.

5.0 Description of Proposal

5.1. Planning permission is sought to demolish the existing building and erect a four-storey building accommodating six apartments: three two-bed and three one-bed, with one of each on each of the upper three floors.

5.2. A natural slate roof, bricks and metal rainwater goods are specified, and a dummy chimney is sited centrally. The use of photovoltaic tiles in place of slates in the south elevation roof is stated as being an option, subject to feasibility.

5.3. Two integrated bat bricks are shown on the east elevation and two integrated swift bricks to the rear elevation.

5.4. A projecting brick string course would exist at eaves with a low parapet wall above concealing a parapet gutter.

5.5. The rear elevation features twin glazed screens to the stair and communal lobby, with vent extracts adjacent. Windows otherwise are two or four panes. A rooflight is indicated to the west elevation and one to the rear.

5.6. The ground floor would provide four under croft parking areas along with a bin store and individual cycle stores. There would be a pedestrian entrance to the west end of the frontage, and also an access in the east gable. Above that would be windows to each floor with a vent extract adjacent.

5.7. A staircase and lift will serve the upper floors. The west facing kitchen windows would be obscure glazed and have two vent extracts adjacent. Further extracts would be set to the front end of that side elevation.

5.8. An external staircase to the east side of the proposed building will form an alternative access/egress route serving a door in the rear first floor level and making use of the rising land level to the rear to form a first-floor amenity area that will result in the removal of a group of trees.

5.9. To the front will be a paved forecourt with two vehicular parking forward of it. One of those being a short-term visitor space and the others together with the under-croft parking will have EV charging facilities.

5.10. Between the external parking spaces and Skellbank would be a raised planting area with a ‘feature tree’. Further raised planted areas would exist to the sides.

5.11. A raised kerb entrance will be formed out to the carriageway alignment of Skellbank rather than the existing kerb line which forms an increasing wide splay to the northeast from the carriageway.

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.

6.2. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, require that in considering whether to grant planning permission for development which affects a listed building or its setting special regard is to be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and special attention is paid in the exercise of planning functions to the desirability of preserving or enhancing the character and appearance of a Conservation Area.

Adopted Development Plan

6.3. The relevant Adopted Development Plan for this site is:

- Harrogate District Local Plan 2014 – 2035, 2020
- Ripon Neighbourhood Plan to 2030, 2019

Emerging Development Plan – Material Consideration

6.4. 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

6.5. Relevant guidance for this application is:

- National Planning Policy Framework
- National Planning Practice Guidance
- National Design Guide
- Heritage Management Supplementary Planning Document
- Ripon Conservation Area Character Appraisal
- Landscape Design Guide

7.0 Consultation Responses

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

7.2. **Parish Council:** Ripon City Council strongly supports the application.

7.3. **Division Member(s):** Considered the application should be considered by the committee.

7.4. **Arborist (NYC):** Has no objection. Advises a hawthorn to be planted as an appropriate species.

7.5. **Building Control (NYC):** Required is a suitable, satisfactory, ground investigation report and the provision of a ground stability declaration form and mitigating measures, provided by a Registered Ground Engineering Advisor, as defined by the UK Register of Ground Engineering Professionals (RoGEP), or with an equivalent qualification, and with specific, demonstrable experience and expertise in dealing with issues relating to subsidence arising from gypsum dissolution within the Ripon area.

7.6. **Ecologist (NYC):** Requires two bat bricks and two swift bricks to be incorporated. Requires tree felling outside to take place outside the bird nesting season. That tree loss does result in an area habitat loss and that must be compensated to achieve the 10% biodiversity net gain. If that is not possible on-site off-site habitat area units will need to be purchased.

7.7. **Environment and Design – Heritage (NYC):** Object. The replacement of the garage structure is supported, the existing structure sits at single storey, has not been well maintained and does not reflect the character or appearance of the conservation area. The site is in a sensitive location due to the close proximity to a Grade II Listed building and being located within the Ripon Conservation Area.

The Heritage Management SPD (section 7) states that new development within sensitive areas must respond to local character. This includes protecting and enhancing the setting of heritage assets and respecting scale and size of existing buildings. New buildings should be designed to contribute to the character of the area, be sympathetic to its surroundings and reinforce local distinctiveness. They should use materials that reflect and reinforce local character.

The proposed development is for the construction of a replacement building. This is designed to be as tall as the listed buildings to the west. Its architectural detailing appears to reflect elements of the Listed Building; however, it lacks detail, and details are important to ensure that the development is high quality. Due to the scale, there are concerns that this new structure would dominate views along Skellbank and would have an adverse impact upon the setting of the neighbouring listed building.

The traditional enclosed basement at the adjacent Georgian Listed Building is not reflected. A lower height building with a simpler design (such as a standard pitched roof - no hip or parapet) but with traditional detailing, would sit more comfortably in this position.
Location does not prevent the use of air source heat pumps or even considering use of solar tiles (rather than solar panels which would be more noticeable).

7.8. **Environmental Protection (NYC):** Notes the submitted GeoEnvironmental Report noted made ground was found with elevated levels of contaminants and lead and remedial options are considered for the southern part of the site. More than half the site, to the north was not able to be assessed. Further site investigation is therefore needed, and appropriate conditions should be attached to any approval. Requires noise levels be verified, appropriate refuse storage be provided, and hours of construction work be limited. Conditions are put forward.

7.9. **Highways (NYC):** Do not object. Request a Section 106 agreement to fund the update of parking restrictions and require any approval to be conditioned in respect of detailed layout plans and construction details of road and footway, provision of 2.4m x 43m visibility splays, junction protection and pedestrian improvements, construction management matters and provision of access, turning and parking.

7.10. **Historic England:** Do not offer any advice.

7.11. **Ripon Civic Society:** Welcomed the revision to a simple pitched roof, rather than flat roof, which is more sympathetic to the neighbouring buildings and sought the addition of a central chimney to reflect the Listed Buildings to the west. Request conditions requiring use of a traditional, locally distinctive brick with a natural slate roof and appropriate timber windows.

7.12. **Yorkshire Water:** Request conditions in respect of separate drainage systems and details be provided of the surface water arrangements. OBJ

Local Representations

7.13. Representations received from two authors

7.14. Objections:

- Insufficient parking. Public parking lost. Parking spaces used by existing residents. Existing flat conversion does not have sufficient parking.
- Pavement parking will increase posing safety issues to pedestrians, forcing pedestrians into the road, and restricting access for emergency services.
- Parking results in limited visibility at junctions.
- Congested locality, stationary traffic, parking associated with Hugh Ripley Hall heightening levels of air pollution.
- Exacerbate poor level of air quality – Low Skellgate an Air Quality Management Area negatively impacting on health.
- What air quality surveys have been undertaken?
- Increased noise, traffic, and pollution.
- Decline in quality of life and peaceful enjoyment of homes.
- Long terms effects to be considered and mitigation put in place before adding existing problems.

One author requests:

- The developer to fund residents only parking in the opposite cul-de-sac.
- 8 parking spaces or just 4 flats.
- Clear access for emergency services.

8.0 Environment Impact Assessment (EIA)

8.1. The development is not of a scale nor in a location where an Environmental Statement would be required.

9.0 Main Issues

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

- Principle of development
- Housing Land Supply
- Impact on heritage assets
- Amenity
- Trees
- Ecology
- Highways
- Drainage and Water Supply
- Sustainable Design
- Land Contamination
- Land Instability
- Air Quality

10.0 ASSESSMENT

Principle of Development

10.1. Further to the development plan the National Planning Policy Framework (NPPF) is also a material consideration in planning decisions, promoting sustainable development. Policy

A.1 of the Ripon Neighbourhood Plan states that a presumption in favour of sustainable development will be exercised across Ripon.

10.2. At paragraph 11 the NPPF requires development proposals that accord with an up-to date development plan to be approved without delay. Paragraph 12 advises that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.

10.3. Paragraph 12 of the NPPF also advises that local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

10.4. The NPPF sets out the importance of always seeking to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and advises (Paragraph 96) that the planning decisions should aim to achieve healthy, inclusive and safe places which promote social interaction and are safe and accessible.

Housing Land Supply

10.5. The NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement with an appropriate buffer.

10.6. Allocations of land are made in the Local Plan, along with the setting of development limits under Local Plan Policy GS3, to meet the housing needs of the district to 2035.

10.7. Whilst not a specific allocation, the site does lie within the development limit for Ripon, a main settlement listed under Local Plan Policy GS2 where growth for new homes will be focussed.

10.8. Following changes introduced by the December 2024 NPPF the revised methodology applicable to calculating housing land supply now the Local Plan is over 5 years old results in a housing land supply of 2.2 years in the Local Plan area.

10.9. Paragraph 11(d) of the National Planning Policy Framework (i.e. the “presumption in favour of sustainable development”) is engaged for applications involving the provision of housing.

10.10. Where policies which are most important for determining the application are out-of-date, permission should be granted unless one of two situations exist. Those are explored in the assessment below.

10.11. Impact on heritage assets

10.12. The first situation set out at paragraph 11(d)(i) of the NPPF where housing development should not be permitted is where the application of its policies that protects areas or assets of particular importance provides a strong reason for refusing the development proposed. Footnote 7 to that paragraph provides reference to those policies and includes designated heritage assets.

10.13. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that in considering whether to grant planning permission for development which

affects a listed building or its setting special regard is to be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and special attention is paid in the exercise of planning functions to the desirability of preserving or enhancing the character and appearance of a Conservation Area.

10.14. Local Plan Policy HP2, Heritage Assets, notes that proposals for development that would affect heritage assets (designated and non-designated) will be determined in accordance with national planning policy.

10.15. That policy requires that it should be ensured that proposals affecting a heritage asset, or its setting, protect and, or enhance those elements that have been identified as making a positive contribution to the character and special architectural or historic interest.

10.16. Guidance on proposals affecting heritage assets is out in Chapter 16 Conserving and enhancing the historic environment of the NPPF.

10.17. Paragraph 207 sets out the significance must be identified and assessed and at paragraph 212 that the impact of the development must be assessed.

10.18. Paragraphs 213 to 215 of the NPPF set out the considerations depending on the degree of harm caused to a designated heritage assets with paragraph 215 requiring less than substantial harm to be outweighed by public benefits.

10.19. The Heritage Management Supplementary Planning Document (SPD) provides appropriate advice including designing new development which is addressed in its chapter 7.

10.20. A number of character areas are identified in the Ripon Conservation Area Character Appraisal; the property lying in the area E: The Spa.

10.21. Beyond the adjacent listed building the terrace at 7-11 Skellbank is identified as being a building of local interest, due to the unusual window styles evident. These are non-designated heritage assets.

10.22. A checklist to manage change is set out in Appendix A of the Appraisal, providing a schedule of matters to which regard should be paid.

10.23. The second situation set out at paragraph 11(d)(ii) of the NPPF where housing development should not be permitted is where adverse impacts arise which would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. Particular regard is given to eight specific key policies, of which three can be discounted as they relate to different forms of development to that which is proposed.

10.24. Relevant here are the key policies set out in paragraphs 129, 135 and 139 of the NPPF.

10.25. Paragraph 129 requires that planning decisions should support development that makes efficient use of land, considering requirements that include the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and the importance of securing well-designed, attractive, and healthy places.

10.26. That is furthered by the key policy at paragraph 135, which notes planning decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change;

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks.

10.27. The final of these three key policies of the NPPF, at paragraph 139, states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

10.28. The National Design Guide characterises as being of the most importance, and offers detailed guidance on, matters of context, identity, built form, movement, nature, public spaces, uses, home and buildings, resources, and lifespan.

10.29. Local Plan Policy HP3 ‘Local Distinctiveness’ requires high quality building design that protects enhances or reinforces those characteristics, qualities and features that contribute to the local distinctiveness of the urban environment. Factors include respecting spatial qualities, scale, appearance, built form and fenestration.

10.30. Conserving and enhance the high quality and character of the environment by ensuring that all forms of new development are designed to a high standard and maintain and enhance the local vernacular and 'sense of place' of individual settlements is required as part of Local Plan Policy NE5 ‘Green and Blue Infrastructure’.

10.31. Policy C.1 of the Neighbourhood Plan requires amongst other matters a proportionate scale, use of sustainable materials and high-quality design.

10.32. Accompanying the application is a Heritage Statement that describes the locality, notes the requirements of the Listed Buildings and Conservation Area Act, and assesses the relevant policies of the NPPF. The provided mapping shows the site to be undeveloped on all maps including the 1909 edition. What is taken to be the original garage building is shown on the 1929 edition and remains as such through to 1968 edition. From the 1980 edition the garage building is shown on an enlarged footprint as existing today.

10.33. The Statement judges the site as existing to make a negative contribution to the significance of the heritage assets. In contrast, the proposed development is stated as not causing harm and according with the Act, NPPF and development plan policies, although it fails to make any assessment of the latter and there is little consideration of the visual impact of such a tall development upon the setting of the neighbouring listed building or the character or appearance of the Ripon Conservation Area.

10.34. Also accompanying the application is a Design and Access Statement, which advises the ground floor entrance will be set lower than the existing level of the garage structure.

10.35. The four under croft parking spaces are stated as being “in an open fronted volume that mirrors the original half basement of the adjacent Georgian property. That basement, however, is not open fronted, it is a traditional enclosed basement area characteristic of the local area, and this has not been reflected on the proposed development. It is the open fronted, vehicle dominated, nature of the frontage that the consideration of this application was considered in the June report to largely hinge on.

10.36. Further, the proposal is taller at the eaves, which are obscured by a parapet, than the neighbouring listed building.

10.37. The relationship with that listed building was not fully assessed in the 2003 granted application and, when raised in the subsequent application, resulted in no responses being received and that application being finally disposed of.

10.38. The southerly frontage is stated as allowing for natural daylighting to be maximised whilst taking the overheating risk into account using background and purge ventilation, in the report submitted to address Local Policy CC4 ‘Sustainable Design’. Horizontal “solar shades” would protrude 0.2m at window head height.

10.39. Whilst the removal of the existing single storey structure would result in an enhancement to the Conservation Area, a largely open fronted lower level in comparison is not a feature found on existing buildings, including those of local character and appearance, within the Conservation Area. This is heightened by the site being prominent on the main east-west route through the city.

10.40. The June report continued stating whilst the policies are permissive of a design being different where it is of exceptional quality that is not considered to be the case here, finding;

- conflict with the NPPF

- the design of the ground floor with its wide vehicular opening being considered as failing to reflect the traditional well-balanced facades of the surrounding Georgian and Victorian buildings
-the design fails to recognise this key characteristic of the Conservation Area and its neighbouring listed building.

- those alien features would have an adverse impact upon both the character and appearance of the Conservation Area and would fail to preserve the special architectural interest of the listed building.

- the development would be contrary to the listed buildings and Conservation Areas Act, development plan, and the Heritage Management supplementary planning document.

10.41. The June Committee, however, considered the proposal more positively, disagreeing with those concerns.

10.42. Nevertheless, any new development will have at least a degree of less than significant harm on a designated heritage asset.

10.43. Paragraph 214 of the NPPF advises that the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. This will be judged in the final balance.

10.44. The Committee members in June were of the view the design of the replacement building which would not result in harm to the significance of the designated heritage assets. On that basis the desirability of preserving the setting of the adjacent listed building would be achieved and special attention had been paid in the exercise of planning functions to the desirability of preserving or enhancing the character and appearance of a Conservation Area.

Amenity

10.45. The key NPPF policy at paragraph 135 also requires the creation of 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.

10.46. Local Plan Policy HP4 sets out the need to ensure high standards of amenity are provided and maintained and requires new residential development to incorporate well-designed and located private and/or communal outdoor amenity space which is of an adequate size for the likely occupancy of the proposed dwellings.

10.47. A noise impact assessment has been submitted with the application, which notes the noise environment is characterised by road traffic and scheme of sound insulation would protect the apartments from the ambient noise climate. That would comprise use of thermal glazing and appropriate ventilation and is considered appropriate by Environmental Protection, and who would if permission were to be granted require the internal sound levels to be verified as being achieved.

10.48. The 2023 Landscape Design Guide advises that communal gardens for flats must be provided on the basis of 25m^2 per flat and in higher density urban situations may be relaxed if in very close proximity to proximity to central green spaces and facilities (less than 250m).

10.49. Spa Gardens as accessed from Skellbank is within 250m. The application nevertheless does feature a small, 25 m^2, amenity area to its rear. That is overlooked by the bedroom window is the side of the adjacent flats at a height above the amenity area of 3.15m and is also 3.2m below the fenestrated rear of 5 Skellbank. Given the amenity area is communal

this does not cause a privacy issue and due to the heights involved there is no substantive concern regarding any impact on the amenity of the neighbouring properties.

10.50. The apartments themselves are arranged appropriately and accord with the nationally described space standards as required by Local Plan Policy HS5.

10.51. Local Plan Policy TI5 'Telecommunications', requires appropriate broadband access in new developments. The application site is in a locality where the OFCOM broadband checker indicates that access to Fibre to the Premises broadband infrastructure capable of Next Generation Access speeds is not available. The alternate permissible under the Policy of a download connection of 30Mbps is available.

Trees

10.52. Local Plan Policy NE7 requires loss or damaged trees to be replaced on-site, or if possible, off-site to the public value of the removed trees.

10.53. Accompanying the application is a tree survey which describes two groups of trees to the rear of the existing building. The nearest to the building being a group of early mature small trees of up to 5m high identified as Plum, and beyond that a mixed informal hedge-like group that includes beech, cypress, plum and cotoneaster of up to 8m high. All are categorised as being of low quality and value, poor condition, and expected to contribute to the locality for at least 10 years.

10.54. The group of plums trees is stated as being removed. That is not opposed by the Council's Arborist, who also does not request any replacement planting beyond the tree that is to be planted in the front raised bed. A hawthorn is considered by the Arborist to be an appropriate species.

Ecology

10.55. A principle set out in Paragraph 193 of the NPPF when determining planning applications, is that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Local Plan Policy NE3 relates to protecting the natural environment.

10.56. The Town and County Planning Act 1990, as amended by the Environment Act 2021, sets out in Schedule 7A 'Biodiversity Gain in England' that planning permissions in England are deemed to be granted subject to a general pre-commencement condition that requires a biodiversity gain plan is both submitted to and approved by the Local Planning Authority.

10.57. Accompanying the application is a Statutory Metric and Biodiversity Net Gain Plan. Further tree planting is suggested, which is not practicable, and hence off-site habitat area units would need to be purchased to fulfil the requirement. This would be covered by the biodiversity gain plan.

Highways

10.58. Local Plan Policy TI1 ‘Sustainable Transport’, seeks to ensure development proposals seek to minimise the need to travel and achieve more sustainable travel behaviour.

10.59. Key policies of the NPPF set out in paragraphs 110 and 115 respectively concern managing growth with regard to the transport issues, which are set out in paragraph 109, and matters of sustainable transport, safe access, parking areas reflecting current guidance and any significant impacts on the transport networks/highway safety mitigated.

10.60. The location of the site close to the centre of Ripon means sustainable transport options are available, and the development includes individually secure bicycle accommodation that also accords with Neighbourhood Plan Policy G.3.

10.61. The Local Highway Authority (LHA) accept that queueing currently exists at peak times at the nearby highway junction. That is intended to be improved as part of other development works in Ripon.

10.62. They also note the parking available on the public highway to the immediate east and their attention was drawn to the representations that have been received. The safety of the access to the development site was of concern to the LHA who requested that the kerb line be built out to protect the access and provide appropriate visibility splays.

10.63. The LHA state the amendments to the public highway are not removing any on-street parking spaces but protect the junction and the footpath from poor parking and obstructions to visibility. The site currently has parking across the protected access and hatched areas which are not intended for such use.

10.64. On-street parking in the area is high, but as the development is providing an appropriate number of parking spaces in line with published standards, and is not removing any on-street parking it is not proportionate for the LHA to require improvements to the surrounding parking needs as part of this application.

10.65. The LHA advise that the level of parking provided meets their requirements in terms of the number of apartments, although they would normally also require a visitor parking space but given the proximity to the City Centre and associated infrastructure this has not been required.

10.66. Aside from occasional delivery vehicles external paved area is of a scale to accommodate the turning of 7.7m fire tender.

10.67. It will be necessary to update the parking restrictions in line with the proposed junction changes by means of amended yellow lines following the kerbing and related Traffic Regulation Order required for such a change. This would require a Section 106 agreement to be completed prior to any permission being granted and the contribution sought would be £2,500.

10.68. The previous proposed developments on the site were for eight flats, which had eight parking spaces in the forecourt and consequently two flats on each of the four floors. The proposal before members has a deeper front planted area, resulting in parking being incorporated under the building.

10.69. In accordance with Local Plan Policy TI3 electric vehicle charging facilities are indicated.

Drainage and Water Supply

10.70. The proposal is not of significant implications in terms of increased surface water runoff (Local Plan Policy CC1) and is in a location where drainage and water supply are available (Local Plan Policy NE2). No objection is raised by the statutory undertaker, Yorkshire Water.

10.71. Also, with respect to Policy CC1, the site lies in Flood Zone 1 and river flooding is not envisaged. The site frontage area is at risk from surface water flooding (1 in 1000 year) but that does not extend as far as the proposed built form.

Sustainable Design

10.72. To date the details of sustainable design that are provided merely refer to the Building Regulations being met.

10.73. Matters beyond those concerning enhanced thermal performance levels, use a heat recovery system and the energy efficiency is only referred to as being considered at a later stage.

10.74. The justification to relevant Local Plan Policy, CC4, however is that, whilst the building regulations regime addresses the standard of energy efficiency in buildings, this policy seeks to ensure that new development takes a holistic approach to reducing greenhouse gas emissions. There is no certainty in the content of the submitted report that would be achieved.

10.75. Clarification of this matter has been sought and at the time of writing is still awaited.

10.76. There is now an indication of solar tiles being used on the front roof slope, albeit subject to feasibility, which would conform with policy CC3 regarding Renewable and Low Carbon Energy.

10.77. If appropriate sustainable design is not set out, then the matter could be made a pre commencement condition as an alternative to refusing permission as per reason 3 set out in the summary above.

Land Contamination

10.78. Local Plan Policy NE9 address this topic. As noted above the fuel tanks have previously been removed.

10.79. The submitted contamination investigation report found elevated levels of contamination on the southern part of the site but was unable to assess the northern part of the site. As such further investigation would be required.

Land Stability

10.80. The site lies within an area where land may be potentially subject to localised subsidence hazards, associated with both existing cavities and with the on-going dissolution of gypsum deposits by groundwater.

10.81. Local Plan Policy NE9 'Unstable and Contaminated Land' sets out relevant requirements.

10.82. A ground stability report and declaration form has been received signed by a Competent Person who is a Registered Ground Engineer Advisor, as defined by the UK Register of Ground Engineering Professionals.

10.83. Due to the weight of the 170sq.m four storey building the use of raft foundations have been ruled out and instead piled foundations are proposed.

10.84. Pile-driving is recognised as causing vibrations and soil movement. This is consequently a major concern given the Grade II Listed Building adjacent as to the extent of any harm that may be caused to that building.

10.85. The report received on 16 October sets out that various forms of piling have been rejected for one reason or another, with a D1000 bottom-driven steel tube piling system being proposed for the building construction.

10.86. Reference, however, is made to sheet piling being anticipated as being necessary for the excavation below and close to the foundations to the stone retaining wall on the northern boundary.

10.87. The D100 piling system is a specialized method for creating foundations in restricted areas, using a drop hammer rig to drive steel casings into the ground. It is a low-noise, low-vibration process that can be used for various projects, from residential extensions to infrastructure work, where conventional methods are not suitable.

10.88. Sections of closed-ended steel tubes are driven onto a concrete plug, joining them with welds, and continuing until the required depth or load capacity is reached. After driving, the casing is filled with concrete and typically a reinforcement cage is added to complete the pile.

10.89. Such a system is understood to have been used in the 9-apartment development that is on the land enclosed by High Skellgate properties to the west, Water Skellgate properties to the south and Market Place South properties to the north; a number of which are listed buildings.

10.90. Nevertheless, this proposed development has a far closer relationship with a listed building and the October report notes any construction works close to another building has the potential to cause damage.

10.91. The likely use of sheet piling to the northern boundary would be a source of vibrations, but despite that the report considers with appropriate supervision and mitigation measures, however, it should be possible to minimise the risk of any significant harm to historic fabric.

10.92. A further site investigation is recommended in advance of site works to confirm the proposed foundation solution and piling approach is appropriate once the site has been cleared.

10.93. That then brings into question what may be required if the proposed foundation solution and piling approach is not appropriate, given that has been identified as being the suitable approach to safeguard the adjacent listed building.

10.94. It is also recommended that further trail holes be carried out to determine existing foundation depths and inform final design proposals, while the temporary works to the northern boundary should be developed.

10.95. A full external and internal condition surveys of 5 & 7 Skellbank is stated as being prudent, although that could only take place with third party agreements. Such recording all existing defects in advance of works commencing and considering whether any static crack gauges should be installed to allow objective measurement of any movement during the construction works. Further, an appropriately experienced site operative to be present at the listed buildings when piling or other heavy construction works commence. This is stated as to assess the impact on the fabric, with the authority to suspend operations if necessary.

10.96. Monitoring of construction vibrations is stated as should be carried out during all periods of potentially harmful site activities including demolition, excavations, piling of all forms and installation of heavy elements such as precast concrete planks.

10.97. Monitoring should be undertaken by suitably qualified and experienced personnel, with appropriate equipment according with the relevant British Standard (BS 7385). A detailed contractor proposals and methodology for this monitoring should be submitted for review in advance of the works commencing.

10.98. Monitoring is stated as commencing in advance of the main site works for a period of at least one working week to establish the baseline values of vibration from other sources, such as traffic.

10.99. In conclusion, a foundation technique has been put forward which may work but has not been wholly confirmed as doing so.

10.100. Whether the adjacent listed buildings are appropriately safeguarded from harm consequently remains uncertain as the appropriateness of the piled driving technique put forward is dependent on further investigation following demolition of the building.

10.101. As such the application should be deferred with officers authorised to approved once the further site investigation and trail holes have been carried out and it is confirmed whether or not the D1000 piling system is appropriate, or if not an alternative piling system which can take place without giving rise to undue harm on the adjacent listed buildings.

10.102. As the further investigation requires the demolition part of the application to be enacted and it would be inappropriate to issue a permission in the absence of knowing the development can actually take place, then the applicant be requested to submit a separate application for the demolition part of the development.

10.103. In the event that no pile driving technique can be found that safeguards the adjacent listed, or ground conditions prove unstable beyond what may be mitigated for, the application be brought back to the committee.

Air Quality

10.104. Local Plan Policy NE1 requires air and/or dust assessments where, amongst other matters, an Air Quality Management Area may be affected.

10.105. The Air Quality Management Area on High and Low Skellgate was revoked in October 2024 due to the air quality objectives having been complied with for over 5 years.

10.106. Monitoring is ongoing and a development of six flats would not create such additional traffic movements as to have a materially significant impact.

10.107. In terms of dust created during construction that would be controlled under the construction management details that would be sought through a condition in the event of permission being granted.

11.0 PLANNING BALANCE AND CONCLUSION

11.1. Following the June committee consideration of this application less than significant harm is caused to the designated heritage assets provided an appropriate foundation design is confirmed as being achievable.

11.2. In the absence of a 5-year housing land supply housing development is normally to be permitted under paragraph 11 of the NPPF, and the less significant harm to designated heritage assets is outweighed by the optimum value use that will be achieved.

11.3. Whilst an investigation into the presence of gypsum has confirmed the development could go ahead that is on the basis of piled foundations being used.

11.4. No certainty has yet been provided that such foundations can be used without undue harm being caused to the adjacent listed buildings, with the need for further site investigation.

11.5. At the time of writing sustainable design also remains to be addressed.

11.6. If it is demonstrated that an appropriate foundation design can be utilised and sustainable design has been addressed, then a Section 106 agreement would need to be entered into regarding the required change to parking restrictions and an associated Traffic Regulation Order.

RECOMMENDATION

12.1. That decision be DEFERRED and Officers authorised to Grant the application upon receipt of a further site investigation along with the confirmation of an appropriate foundation design to be used that safeguards the adjacent listed buildings, subject to the completion of a Section 106 agreement for £2,500 contribution to update the parking restrictions in line with the proposed junction changes at the Skellbank junction by means of amended yellow lines following the kerbing and related Traffic Regulation Order required for such a change.

1. The development hereby permitted shall be begun on or before three years from the date of this permission.

2. The development hereby permitted shall be carried out in accordance with the following documents:

a) 3xa Design drawings;
267-P.101 rev E Proposed Site Plan / Roof Plan dated 21.02.25
267-P.102 rev C Proposed Ground Floor Plan dated 21.02.25
267-P.103 rev B Proposed First Floor Plan dated 21.02.25
267-P.104 rev B Proposed Second/Third Floor Plan dated 21.02.25
267-P.106 rev E Proposed South Elevation dated 26.06.25
267-P.107 rev D Proposed East Elevation dated 26.06.25
267-P.108 rev D Proposed West Elevation dated 26.06.25
267-P.109 rev D Proposed North Elevation dated 24.06.25
267-P.110 rev E Proposed Section Looking West dated 24.06.25
267-P.111 rev C Proposed Roof Plan dated 24.06.25
267-P.112 rev B Street Elevation Looking North dated 24.06.25

b) Foundation design report and mitigation proposals contained in xxxxxxx

c) Sustainable Design Statement received by the Local Planning Authority on xx.xx.xx

3. Prior to the commencement of development, a Safety Audit of the off-site highway mitigation measures of junction protection and pedestrian improvement works shown on 3Xa Design drawing 267-P.101 rev E Proposed Site Plan / Roof Plan dated 21.02.25 must be submitted to and approved in writing by the Local Planning Authority.

4. Prior to the commencement of development (excluding site clearance and investigation works), satisfactory written evidence of the purchase of the necessary off-site area units to achieve 10% Biodiversity Net Gain, including any achieved on site, from a local habitat bank that is registered with Natural England shall have been submitted to and approved in writing by the Local Planning Authority.

5. Further to condition 3, prior to the commencement of development (excluding site clearance and investigation works) in the event of some of the 10% Biodiversity Net Gain being achieved on site a Construction Ecological Mitigation Plan shall be submitted to and approved in writing by the Local Planning Authority. A copy of that plan must be retained on site and made available to site managers and operatives, throughout the construction process.

6. A detailed scheme for landscaping, including the planting of trees and or shrubs shall be submitted to the Local Planning Authority prior to groundworks commencing; such scheme shall specify types and species, a programme of planting and the timing of implementation of the scheme, including any earthworks required. Development shall be carried out in accordance with the approved landscaping scheme and timetable.

7. Groundworks shall not commence until a land contamination Phase II Intrusive Site Investigation Report for the whole site has been submitted to and approved in writing by the Local Planning Authority.

8. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved under condition 7 above, groundworks shall not commence until a land contamination remediation strategy has been submitted to and approved in writing by

the Local Planning Authority. The remediation strategy shall include a timetable for the implementation and completion of the approved remediation measures.

9. Land contamination remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved under condition 8 above. In the event that remediation is unable to proceed in accordance with that Remediation Strategy or contamination not previously considered in;

   a) the GeoEnvironmental Report by ARP ref: TAT/01r1v3 dated July 2024, or

   b) the Phase II Intrusive Site Investigation Report approved under condition 5 above,

   is identified or encountered on site, all groundworks in the affected area (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

10. Following completion of any measures identified in the Remediation Strategy approved under condition 8 above, or any approved revised Remediation Strategy under condition 9 above a land contamination Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until the Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

11. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

12. No phase of development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority;

    a) details of any temporary construction access to the site including measures for removal following completion of construction works;

    b) restriction on the use of Skellbank residential cul-de-sacs for any construction purpose;

    c) wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;

    d) the parking of contractors' site operatives and visitor's vehicles clear of the highway;

    e) areas for storage of plant and materials used in constructing the development clear of the highway;

    f) measures to manage the delivery of materials and plant to the site including routing

and timing of deliveries and loading and unloading areas;

g) details of the routes to be used by HGV construction traffic and pre and post highway

h) condition surveys on these routes for a distance of 50 metres in both directions from the site;

i) protection of carriageway and footway users at all times during demolition and construction;

j) protection of contractors working adjacent to the highway;

k) erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;

l) means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;

m) measures to control and monitor construction noise;

n) an undertaking that there must be no burning of materials on site at any time during construction;

o) removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;

p) details of external lighting equipment;

q) details of ditches to be piped during the construction phases;

r) a detailed method statement and programme for the building works; and

s) contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

13. Demolition, site preparation and construction shall be not be undertaken outside of the hours of 08:00 - 18:00 Mondays to Fridays and 08:00 - 13:00 Saturdays with no work on Sundays or Bank Holidays.

14. Any tree removal shall only take place outside the bird nesting season (March-August inclusive).

15. Prior to construction works commencing on site, a programme for the delivery the off-site highway mitigation measures of junction protection and pedestrian improvement

works shown on 3Xa Design drawing 267-P.101 rev E Proposed Site Plan / Roof Plan dated 21.02.25 and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority.

16. 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.

17. There must be no access or egress by any vehicles between the highway and the application site until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

18. Prior to the commencement of the external construction of the walls of the development hereby approved a sample panel of the type of stone to be used showing the proposed coursing and pointing shall be erected on the site for the written approval of the Local Planning Authority. Development shall be carried out in strict accordance with the approved details and the sample stonework panel shall be retained on site during the period of construction of all external walls that are constructed in stone.

19. Before the first use of any materials in the external construction of the roof of the development hereby approved, samples of those materials shall have been made available for inspection by, and the written approval of, the Local Planning Authority and the development shall be carried out in strict accordance with the approved details.

20. The site shall be developed with separate systems of drainage for foul and surface water on and off site and those separate systems shall extend to the points of discharge to be agreed.

21. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works and firstly details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:

    a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;

    b) evidence of existing positive drainage to public sewer and the current points of connection; and

c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change

22. No part of the development must be brought into use until the access, parking. manoeuvring and turning areas have been constructed in accordance with the details shown on 3xa Design drawings 267-P.101 rev E Proposed Site Plan / Roof Plan dated and 267-P.102 rev C Proposed Ground Floor Plan, both dated 21.02.25. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

23. The parking space provided under condition 19 above before first use shall be equipped, as shown on 3xa Design drawing 267-P.102 rev C Proposed Ground Floor Plan dated 21.02.25, with electric vehicle charging facilities of Mode 3 on their own dedicated circuits with a minimum current rating of 16A. The charging facilities shall be maintained free of obstruction and retained until supersedes by an advanced technology.

24. The bicycle storage shown 3xa Design drawing 267-P.102 rev C Proposed Ground Floor Plan dated 21.02.25 shall be provided prior to first occupation of any the apartments hereby approved. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

25. No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation.

26. The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

27. Before first occupation of any the apartments hereby approved, waste storage facilities in accordance with 3xa Design drawing 267-P.102 rev C Proposed Ground Floor Plan dated 21.02.25 shall have been provided with individual apartments having access to their own facility and which shall not be altered without the prior written approval of the Local Planning Authority and shall be maintained for the life of the approved development.

28. Before first occupation of any the apartments hereby approved, bat and swift bricks shall have been located in accordance with 3xa Design drawings 267-P.107 rev D Proposed East Elevation dated 26.06.25 and 267-P.109 rev D Proposed North Elevation dated 24.06.25. Details of the bat and swift bricks shall first have been submitted to and approved in writing by the Local Planning Authority. Once installed the bat and swift bricks shall be maintained free of obstruction.

29. Before first occupation of any the apartments hereby approved, the developer shall provide written evidence to the Local Planning Authority to demonstrate that the following internal sound levels have been achieved in front facing plots.

    a) The 16hr LAeq shall not exceed 35dB between 0700 and 2300 hours when readings are taken in any noise sensitive rooms in the development.

    b) The 8hr LAeq shall not exceed 30dB between 2300 and 0700 hours when readings are taken inside any bedroom in the development.

    c) The LAFMax indoor shall not exceed 45 dB (more than 10 times) between 2300 and 0700hrs when readings are taken inside any bedroom in the development.

    If it cannot be demonstrated that the aforementioned sound levels have been achieved, a further scheme incorporating further measures to achieve those sound levels shall be submitted for the written approval of the Local Planning Authority. All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned sound levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

30. Before first occupation of any the apartments hereby approved, the off-site highway mitigation measures of junction protection and pedestrian improvement works shown on 3Xa Design drawing 267-P.101 rev E Proposed Site Plan / Roof Plan dated 21.02.25 must be completed in strict accordance with full detailed engineering drawings of all aspects of that scheme, including any structures which affect or form part of the scheme, that have first 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 prior to the commencement of works on site.
    Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of this scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme shall take place, until the Local Planning Authority have approved the scheme. The off-site highway works must be completed in accordance with the approved engineering details and programme.

31. Before first occupation of any the apartments hereby approved a download connection of 30Mbps shall be provided to each apartment and facilities will have been incorporated in the development for the future provision of Fibre to the Premises broadband infrastructure capable of Next Generation Access speeds.

32. In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to survive for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced by the developer with such live specimens of such species in such number as may be approved by the Local Planning Authority.

Reasons

1. To ensure compliance with Sections 91-94 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a safe susatianable development.
3. To ensure that the design is appropriate in the interests of the safety and convenience of highway users.
4. and 5. In the interests of securing no net loss of biodiversity net gain.
6. To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
7. to 11. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
12. In the interest of public safety and amenity
13. So as to respect the amenities of the surrounding residential properties.
14. To safeguard ecology.
15. To ensure that the design is appropriate in the interests of the safety and convenience of highway users.
16. 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
17. In the interests of highway safety.
18. and 19. In order to ensure that the materials used conform to the amenity requirements of the locality.
20. In the interest of satisfactory and sustainable drainage
21. To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.
22. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
23. and 24. To ensure provision for alternate modes of transport
25. and 26. To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.
27. In the interests of amenity.
28. To provide appropriate ecological mitigation.
29. In the interests of amenity.
30. To ensure that the design is appropriate in the interests of the safety and convenience of highway users.
31. To ensure access to appropriate telecommunications.
32. To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

INFORMATIVES

1. To ensure the occupants of the proposed apartments are not impacted by noise from the residential use below/above or adjacent to them, Environmental Protection recommend the dwellings shall be insulated against the transmission of airborne and

impact sound at a standard equivalent to that contained in the current Building regulations – Approved Document E (current Edition).

2. Yorkshire Water Service Ltd advise there is a 150mm and a small diameter combined water sewer recorded to cross the site, the presence of should be regarded. It m may not be acceptable to raise or lower ground levels over the sewer and they will not accept any inspection chambers on the sewer to be built over. A proposal by the developer to alter/divert a public sewer will be subject to Yorkshire Water's requirements and formal procedure in accordance with Section 185 Water Industry Act 1991.

3. In respect of conditions 3, 15 and 30, and 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.

4. In respect of conditions 4 and 5, 0.12 biodiversity habitats are to be provided.

5. In respect of condition 21 Yorkshire Water promote the surface water disposal hierarchy and the developer must provide evidence to demonstrate that surface water disposal via infiltration is not reasonably practical before considering disposal to public sewer. Upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, curtilage surface water may discharge to public sewer. Surface water discharges to the public sewer must have a minimum of 30% reduction based on the existing peak discharge rate during a 1 in 1 year storm event. The developer will be required to provide evidence of existing positive drainage to a public sewer from the site to the satisfaction of Yorkshire Water and the Local Planning Authority by means of physical investigation. On-site attenuation, taking into account climate change, will be required before any discharge to the public sewer network is permitted.

Target Determination Date: 4 June 2025

Case Officer: Mike Parkes, mike.parkes@northyorks.gov.uk

North Yorkshire Council

Community Development Services

Skipton and Ripon Area Planning Committee

10th November 2025

25/01962/FUL – Installation of ground mounted solar panels, landscaping and associated works at Land To The East Of The Swinton Estate, Located To The East Of Swinton Road And South Of Masham Golf Course on behalf of Swinton Estate

Report of the Head of Development Management – Community Development Services

1.0 Purpose of the Report

1.1. To determine a planning application for Installation of ground mounted solar panels, landscaping and associated works on land to the East of The Swinton Estate, Located to the East of Swinton Road and South Of Masham Golf Course on behalf of the Head of Development Management.

1.2. This application is brought to the Planning Committee due to Councillor Felicity Cunliffe-Lister having an interest in the land as owner of Swinton Park.

2.0 SUMMARY

RECOMMENDATION: That planning permission be GRANTED subject to conditions.

2.1. The proposal seeks full planning permission for the installation of ground mounted solar panels, landscaping and associated works.

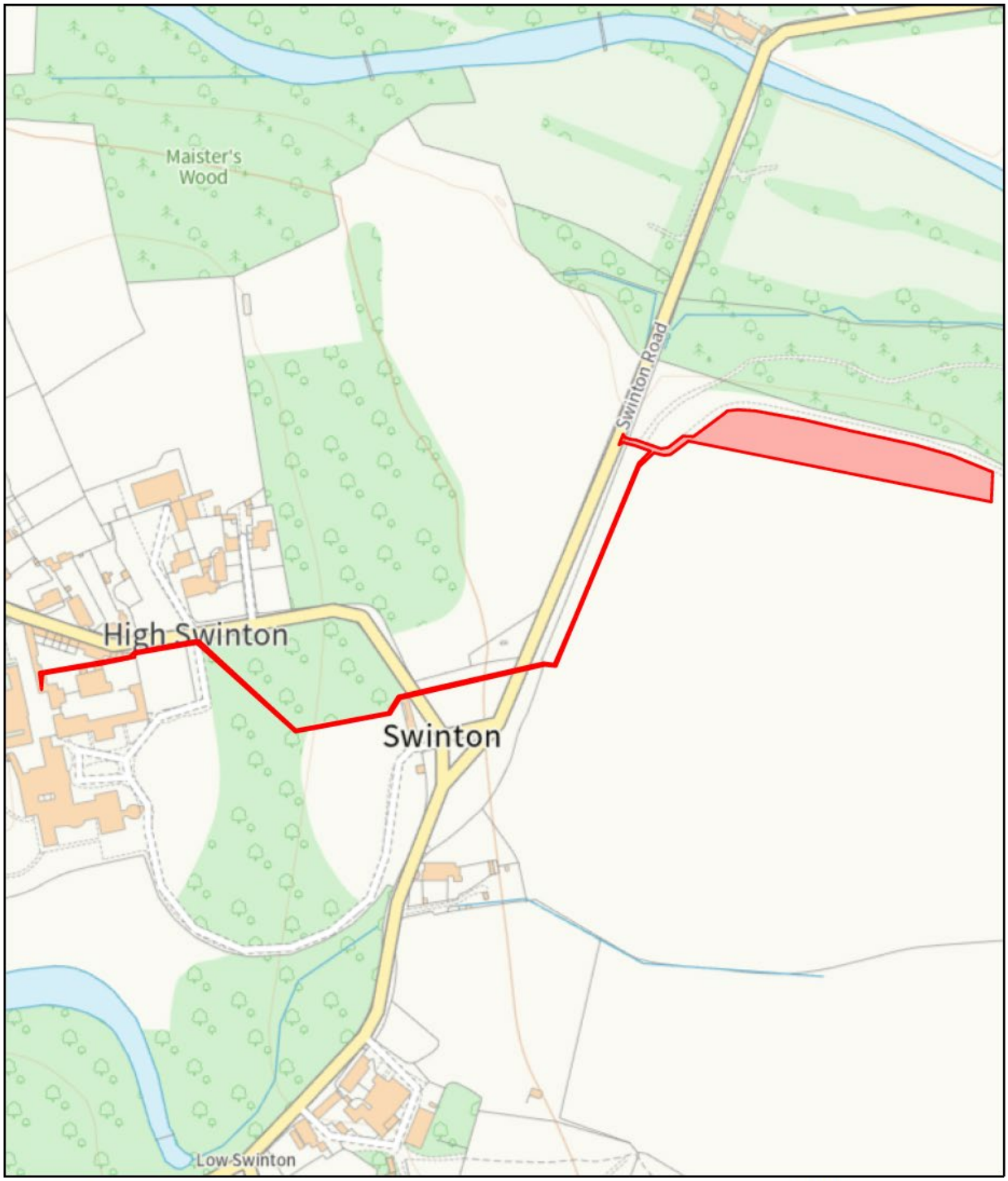
2.2. The majority of the site, and siting of the solar panels, is located outside of the Nidderdale National Landscape and within Landscape Character Area 38, River Burn Valley Farmland to the northwest of Harrogate, towards the Ure corridor at Masham in the east. The underground cabling (indicated within the site area) would link to the building complex within the Nidderdale National Landscape, Grade II* Registered Park or Garden and Grade II and Grade II* Listed Buildings.

2.3. A previous proposal for a solar farm within the Nidderdale National Landscape was withdrawn following a requirement for an Environmental Impact Assessment.

2.4. The siting has been amended, to move the proposed solar panels out of the Nidderdale National Landscape and away from the designated historic park and garden and other nearby heritage assets. The scale of the development has also seen a significant reduction in the amount of solar panels proposed.

2.5. The provision of the proposed solar panels, landscaping and associated works accords with policy in the National Planning Policy Framework and the relevant policies of the Development Plan.

Map



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3.0 Preliminary Matters

3.1. Access to the case file on Public Access can be found here.

3.2. An application for the installation of a solar farm to the north-west of the Swinton Estate was withdrawn following concerns regarding the scale and siting of the proposal in the Nidderdale National Landscape requiring an Environmental Impact Assessment.

HGT22/04722/FULMAJ - Installation and operation of a 1.3 MWp Solar Farm, together with all associated works, equipment and necessary infrastructure supplying renewable energy to Swinton Park Hotel – Withdrawn 17.02.2023

23/00102/SCREEN – Screening opinion for proposed 1.3 MWp solar farm with all associated works, equipment and necessary infrastructure – Environmental Impact Assessment Required 16.02.2023

4.0 Site and Surroundings

4.1. The application site is part of the wider Swinton Estate, to the south-west of Masham.

4.2. The main body of the site is located within a large arable field to the north-east of Swinton Park, to the east side of Swinton Road. The solar panels will be located to the northern edge of the field.

4.3. The northern field boundary adjoins a wooded area known as Mell Bush, which screens the site to the north, with the land then falling down towards the River Burn. The western boundary of the field adjoins Swinton Road, with a row of mature trees extending along the boundary. The Nidderdale National Landscape is located to the west of the road.

4.4. Existing vehicular access exists to the field.

4.5. The application site also includes a thin strip of land, which connects the main body of the site with the main estate buildings located to the west within the Registered Park and Garden of Swinton Park and the Nidderdale National Landscape. Swinton Park is a Grade II* Listed Building and there are other Grade II Listed Buildings within the range of estate buildings.

4.6. The surrounding landscape character area is rural and lies within the river Burn Valley Farmland that is largely wooded and follows the course of the Burn from the upland down to the Ure corridor at Masham.

4.7. A public right of way runs west to east to the southern side of the field. The solar panels will be a sufficient distance away and will not conflict with the footpath.

5.0 Description of Proposal

5.1. The proposal seeks full planning permission for the installation of ground mounted solar panels, landscaping and associated works.

5.2. As well as the main solar panels this will include; 9 no. inverters, in groups of 3, a small

transformer building, pole mounted CCTV camera and security fencing, as well as cabling connection back to the main estate.

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:

- Harrogate District Local Plan 2014 – 2035, 2020

Local Policies
GS3: Development Limits
GS5: Supporting the Districts Economy
GS6: Nidderdale Area of Outstanding Natural Beauty
EC2: Expansion of Existing Businesses in Open Countryside and Outside Established Employment Areas
CC1: Flood Risk and Sustainable Drainage
CC3: Renewable and Low Carbon Energy
CC4: Sustainable Design
HP2: Heritage Assets
HP3: Local Distinctiveness
HP4: Protecting Amenity
HP5: Public Rights of Way
NE3: Protecting the Natural Environment
NE4: Landscape Character
NE7: Trees and Woodland

Emerging Development Plan – Material Consideration

6.3. The Emerging Development Plan for this site is:

- The North Yorkshire Local Plan. 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
- National Planning Practice Guidance
- Landscape Character Assessment

7.0 Consultation Responses

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

7.2. **Parish Council:** Supports the application.

7.3. **Nidderdale National Landscape Joint Advisory Board:** The site has well established woodland backing along its northern boundary and the topography of the site and surrounding mature trees and hedgerows provide effective screening from public footpaths within the National Landscape and the main public road between Low Swinton and Masham forming its boundary.

The benefits of the scheme in reducing the Estate's carbon emissions significantly and the biodiversity enhancements proposed to the site are recognised and it is considered that the array will not result in an adverse landscape impact on the National Landscape or its setting. Consequently, there are no objections to the application.

7.4. **Yorkshire Gardens Trust:** The visual separation between the proposed site and the Registered Park and Garden (RPG) and other designated heritage assets at Swinton Park is strong, (Heritage Impact Assessment 6.17) and that there is unlikely to be any harmful impact on the RPG, other designated heritage assets and little impact on the setting. It is important that during the life of the solar array (c.40 years) that all the woodland that protects the site from any impact on the designated heritage assets, is maintained, strengthened and any tree loss is replanted.

We note the public benefits of the proposal which will play a significant role in helping Swinton Estate become carbon neutral by 2030 and carbon negative by 2040. YGT acknowledges the scientific evidence that climate change is an existential threat to the future of RPGs, and that shifting from fossil fuels to renewable energy as quickly as possible is a critical tool for mitigating the impacts of climate change.

The public benefit of this proposal outweighs any possible minor degree of harm, and the Gardens Trust and Yorkshire Gardens Trust have no objection to this planning application.

7.5. **Ecology:** The Biodiversity Net Gain (BNG) report (Climate Solutions Exchange Ltd, June, 2025) and corresponding metric indicates achieving mandatory net gain with 135.04% area habitats net gain and satisfying the trading rules. This is achieved by the creation of other neutral grassland, native hedgerow and modified grassland and satisfying the trading rules.

In addition to the statutory BNG requirements (which requires inclusion of the statutory deemed condition informative wording) and in order to secure ecological avoidance, mitigation and enhancement, it is recommended that if approved, planning conditions are used to secure the following:

• Sensitive lighting scheme to be implemented which demonstrates avoidance of light spill onto semi natural /sensitive habitats.
• Biodiversity Net Gain implementation.
• Submission of the Habitat Monitoring and Management Plan (HMMP).
• Recommendations of the Preliminary Ecological Appraisal (PEA) (should be implemented through the attachment of a planning condition requiring works to be undertaken in

accordance with these recommendations.
• Works should be conducted outside of the bird breeding season (March-August inclusively) unless a pre-commencement checks by a suitably experienced ecologist demonstrates no actively nesting birds are present.

7.6. Ministry of Defence: No objections.

7.7. Natural England: No objections.

7.8. **Historic England:** No comments.

7.9. Environment and Landscape Design: No comments.

Local Representations

7.10. No other letters of representation were received in relation to this case.

8.0 Environment Impact Assessment (EIA)

8.1. The proposed development falls within Schedule 2, Section 3(a) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, which refers to Industrial installations for the production of electricity, however, it falls under the 0.5ha threshold. The underground cabling would enter the Nidderdale National Landscape, a 'sensitive area' in the context of the EIA Regulations.

8.2. When screening Schedule 2 projects, the Local Planning Authority must take account of the selection criteria in Schedule 3 of the 2017 Regulations. Whilst there may be some impact on the surrounding area, the site of the panels sits outside the Nidderdale National Landscape area and it was deemed that the nature, scale and siting of the proposed development would not require an Environmental Impact Assessment within the context of the EIA Regulations.

9.0 Main Issues

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

- Principle of development
- Impact on Landscape
- Impact on Heritage
- Impact on Public Highways
- Residential amenity
- Ecology
- Drainage

10.0 Assessment

Principle of Development

10.1. The National Planning Policy Framework 2024 (NPPF) sets out the Government's planning

policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions. There is a presumption in favour of sustainable development and the NPPF advises that there are three dimensions to sustainable development: economic; social and environmental.

10.2. Local Plan Policy GS2 sets out the Growth Strategy for the Local Plan Area, which aims to focus growth within main settlements. Policy GS3 sets out the criteria for allowing development outside development limits and states that 'development will only be supported where expressly permitted by other policies of this plan or a neighbourhood plan or national planning policy'.

10.3. Local Plan Policy CC3 supports the development of renewable and low carbon energy projects. Part A of the policy sets out that Renewable and low carbon energy projects, including incorporating small-scale renewable and low carbon energy generation into the design of new developments where appropriate, feasible and viable, will be supported provided that: i. The proposal does not have an unacceptable adverse impact on the landscape, the natural environment, biodiversity, the cultural environment, the historic environment, adjoining land uses and residential amenity; and ii. Appropriate mitigation measures would be taken to minimise and, where possible, address adverse impacts; and iii. The proposal avoids unacceptable cumulative landscape and visual impacts.

10.4. As set down further in this report it is considered that the proposed development meets the criteria set out above and is therefore acceptable in principle, subject to no other material planning considerations outweighing the benefit of the provision of the renewable energy project.

10.5. There is strong national policy support for the development of renewable energy sources, including solar power, to ensure the country has a secure energy supply, and to reduce greenhouse gas emissions. The NPPF sets out that the provision of renewable and low carbon energy is central to the economic, social and environmental dimensions of sustainable development. It directs, at paragraph 163, that when determining applications for renewable and low carbon development, local planning authorities should approve the application if its impacts are (or can be made) acceptable.

10.6. The Climate Change Act 2008 establishes statutory climate change projections and carbon budgets. The target for carbon emissions was initially set at 80% of the 1990 baseline figure by 2050.This was amended to 100% 'net zero' by section 2 of the Climate Change Act 2008 (2050 Target Amendment) Order SI 1056 in July 2019. This constitutes a legally binding commitment to end the UK's contribution to the climate crisis.

Impact on Landscape

10.7. Paragraph 135 of the NPPF states that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities) and that developments 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.

10.8. Paragraph 139 states that: Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

10.9. Policy HP3 of the Harrogate Local Plan outlines that: Development should incorporate high quality building, urban and landscape design that protects, enhances or reinforces those characteristics, qualities and features that contribute to the local distinctiveness of the district's rural and urban environments.

10.10. Policy NE4 relates to Landscape Character and states that: Proposals that will protect, enhance or restore the landscape character of Harrogate district for its own intrinsic beauty and for its benefit to the economic, environmental and social well-being of the district will be supported.

10.11. The site lies in landscape character area 38 (River Burn Valley Farmland), adjacent to the Registered Park and Garden of Swinton Park and near the border of landscape character area 37 (Ilton to Nutwith Wooded Upland Fringe Grassland), and in close proximity to the Nidderdale National Landscape, which are areas sensitive to change and where development should be located to minimise visual intrusion.

10.12. This application seeks permission for the installation of ground mounted solar panels. The panels are to be located to the north side of the field adjacent to a wooded area known as Mell Bush, which screens the site to the north, with the land then falling down towards the River Burn. The western boundary of the field adjoins Swinton Road, with a row of mature trees extending along the boundary.

10.13. The land rises to the south with more tree cover along the field boundary and other fields beyond. The site is therefore of limited visibility from any surrounding public land.

10.14. A public right of way runs diagonally across the south-west corner of the field, roughly 240m from the proposed solar panels. The solar panels would be visible to walkers on the public footpath coming from Low Swinton, but views would diminish further south before becoming partially or completely obscured by existing vegetation. Due to the topography of the land and the proposed level of screening, in the form of new hedging, the proposed solar panels would be visible from the public footpath but would become increasingly screened by the proposed hedging over the next 5 – 10 years.

10.15. It is noted that the Nidderdale National Landscape Area Board have raised no concerns. The site has well established woodland backing along its northern boundary and the topography of the site and surrounding mature trees and hedgerows provide effective screening from public footpaths within the National Landscape and the main public road between Low Swinton and Masham forming its boundary.

10.16. It is only the section of proposed underground cabling that would enter the Nidderdale National Landscape, as well as the Grade II* Registered Park or Garden and complex of Grade II and Grade II* Listed Buildings. Although a narrow section of ground will be dug up to install the cabling, once installed, the ground will be made good again and there would be no long-term adverse impacts from this on the surrounding landscape.

10.17. Section 245 of the Levelling Up and Regeneration Act 2023 places a duty on relevant

authorities to "seek to further" the statutory purposes of Protected Landscapes, including National Landscapes, which consists of ‘Conserving and enhancing the natural beauty of the area and increasing public understanding and enjoyment of its special qualities.’

10.18. The surrounding National Landscape would be conserved and with the added benefits of additional planting and landscaping to partially screen the solar panels as well as the benefits of the greener renewable energy supply to reduce carbon emissions and secure a more positive future for the surrounding landscape area and wider environment.

10.19. There would be no loss of existing key landscape features as a result of the development. The relatively small area of arable land will be lost and converted to semi-improved neutral grassland. A native hedgerow of approximately 200m length will be introduced around the edge of the main body of the site. There would be no change to the existing landform. The existing fragmented hedge on the east side of Swinton Road (located between mature trees) would be gapped-up to create a continuous belt of vegetation. The solar panels would be enclosed with deer fencing.

10.20. It is not considered that the proposal would adversely impact on the landscape character of the Nidderdale National Landscape (AONB) or the surrounding area and would therefore comply with Local Plan Policies GS6, NE4 and CC3.

Heritage

10.21. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving the Listed Building(s) or its setting or any features of special architectural or historic interest which it possesses.

10.22. In determining planning applications concerning the historic environment, Section 16 of the NPPF indicates that local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

10.23. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

10.24. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial

public benefits that outweigh that harm or loss, or all of the following apply: the nature of the heritage asset prevents all reasonable uses of the site; and no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and the harm or loss is outweighed by the benefit of bringing the site back into use.

10.25. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

10.26. Harrogate Local Plan Policy HP2 seeks to ensure that proposals for development that would impact on heritage assets (designated and non-designated) will be determined in accordance with national policy. Proposals affecting a heritage asset, or its setting, must protect or enhance those features which contribute to its special architectural or historic interest.

10.27. The proposed solar panels would be sited in reasonable proximity to the registered park and garden of Swinton castle to the south-west of the site, as well as listed buildings in the Swinton Estate and High Swinton, including Swinton Castle (Grade II*), Gateway and Lodges, High House and Home Farmhouse as well as Lower Swinton, Rose Cottage and Swinton Grange Barn in Low Swinton. High Burn Bridge to the north of the site is also Grade II listed.

10.28. The proposed panels would be located approximately 250m to the north-east of the gateway and entrance of Swinton Park. The visual impacts of the proposed development are not considered to detrimentally affect the setting of Swinton Park.

10.29. The proposals do not impinge on the relationship between the high-status Swinton Castle site, the surrounding domestic development (High Swinton), and the countryside in which they lie. The historic relationship between these elements and aesthetic hierarchy is unaffected.

10.30. A section of proposed underground cabling would enter the Grade II* Registered Park or Garden and complex of Grade II and Grade II* Listed Buildings. Although a narrow section of ground will be dug up to install the cabling, once installed, the ground will be made good again and there would be no long-term adverse impacts from this on the setting of the listed buildings or the surrounding Swinton Park.

10.31. The Yorkshire Gardens Trust were consulted and recognised the improvements from the previous scheme. The visual separation between the proposed site and the Registered Park and Garden and other designated heritage assets at Swinton Park is strong, (Heritage Impact Assessment 6.17) and that there is unlikely to be any harmful impact on the RPG, other designated heritage assets and little impact on the setting. It is important that during the life of the solar array (c.40 years) that all the woodland that protects the site from any impact on the designated heritage assets, is maintained, strengthened and any tree loss is replanted.

10.32. Due to the separation distance, the topography and the level of screening, the degree of

harm from the utilitarian installation of the proposed solar panels and cabling linking them to the estate buildings is minimal. Paragraph 215 of the NPPF directs that “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

10.33. The benefits of the scheme in reducing the Estate’s carbon emissions significantly are recognised as a positive step in helping Swinton Estate becoming carbon neutral by 2030 and thereby helping the wider area. The public benefit of this proposal outweighs any possible minor degree of harm.

10.34. Due to the separation distance and also the level of screening in terms of topography, boundary walls, trees and other landscaping features, it is not considered that the proposal would have any significant impact on the registered park, listed buildings or the setting of the listed buildings, and any harm would be outweighed by the public benefit of reducing carbon emissions for the wider community which would therefore be in accord with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Local Plan Policy HP2 and Section 16 of the NPPF.

Highways

10.35. Paragraphs 115 and 116 in the NPPF set out the requirement for safe and suitable access to be achieved for all users and that development should only be refused on highways grounds where there would be an unacceptable impact on highway safety.

10.36. Whilst there will be some disruption during construction, with proposed underground cabling crossing the public highway of Swinton Road and the road up to High Swinton, this will be only temporary and is not considered to raise highway safety issues.

10.37. Access to the public footpath to the south corner of the field will not be impacted.

Residential amenity

10.38. Paragraph 135 of the NPPF sets out the requirement for a high standard of amenity to be provided for both existing and future occupiers.

10.39. Policy HP4 of the Local Plan states that 'development proposals should be designed to ensure that they will not result in significant adverse impacts on the amenity of occupiers and neighbours'.

10.40. The proposal is a significant distance from any residential properties. It is considered that the proposal would not create harm in terms of residential amenity.

Protected Species and Ecology

10.41. Paragraph 180 of the NPPF states that the ‘intrinsic character and beauty of the countryside’ should be recognised including trees and woodland and minimising impacts on biodiversity.

10.42. Paragraph 192 (b) states “promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.”

10.43. Local Plan Policy NE3 seeks to protect and enhance biodiversity whilst Policy NE7 seeks the protection of the natural landscape and trees and woodland.

10.44. A Preliminary Ecological Appraisal, Brindle and Green, December 2023 was submitted as part of the application.

10.45. In terms of protected species, the Preliminary Ecological Appraisal does not identity any significant impacts. However, it does include several recommendations to avoid any impacts during the construction of the development and to deliver enhancements.

10.46. Due to the close proximity to the northern boundary woodland, mature hedge/tree line to the west and to a further extent River Burn to the east that provide good commuting and foraging habitat for bats, a sensitive lighting scheme will need to be produced which demonstrates avoidance of light spill onto sensitive habitats to maintain potential bat flight and forage routes. This light scheme is to be implemented after review from an ecologist.

10.47. Any works should be conducted outside of the bird breeding season (March-August inclusively) unless a pre-commencement check by a suitably experienced ecologist demonstrates no actively nesting birds are present. Works have the potential impact ground nesting birds although the site is a small section of arable within of a much larger agricultural field. In addition, works have the potential to disturb birds nesting within the boundary edge and tree lines.

10.48. Recommendations of the PEA (Brindle and Green, December 2023) within section 7 should be implemented through the attachment of a planning condition requiring works to be undertaken in accordance with these recommendations (precautionary working methods for mobile species, control and prevention of spread of invasive species Himalayan balsam and protection of existing habitats).

10.49. <u>Biodiversity Net Gain</u>

10.50. Planning Permissions in England are deemed to be granted subject to the general Biodiversity Gain Condition as set out by Schedule 7A, paragraph 13 of the Town and County Planning Act 1990 (TCPA) as amended by Schedule 14, Part 2, paragraphs 13, 14 and 15 of the Environment Act 2021. This is a pre-commencement condition.

10.51. Paragraph 186 of the NPPF states that opportunities to improve biodiversity in and around development should be integrated as part of their design.

10.52. The BNG report (Climate Solutions Exchange Ltd, June, 2025) and corresponding metric indicates achieving mandatory net gain with 135.04% area habitats net gain and satisfying the trading rules.

10.53. This is achieved by the creation of other neutral grassland, native hedgerow and modified grassland and satisfying the trading rules. The proposed habitat creations and enhancements do constitute significant on-site BNG, but in this instance it is considered appropriate that these habitats can be secured for 30 years through a planning condition, rather than requiring a section 106 agreement.

Drainage

10.54. Policy CC1 of the Local Plan states development proposals will not be permitted where they would have an adverse effect on watercourses or increase the risk of flooding elsewhere.

10.55. The site does not lie within a mid or high flood risk zone.

10.56. All forms of flood risk are considered negligible apart from potential groundwater flooding. However, with suitable mitigation (includes the need to provide attention to Electrical Infrastructure as a precautionary measure to ensure that all equipment is suitably rated and mounted in a manner to remove any potential impact from groundwater flooding) the impact on and from the development is considered low.

10.57. The development would not have an adverse effect on watercourses or increase the risk of flooding elsewhere and therefore accords with the requirements of policy CC1.

11.0 PLANNING BALANCE AND CONCLUSION

11.1. The proposed solar panels are required to provide a renewable source of energy for the Swinton Estate, the principle of which is supported by policy CC3 that supports the development of renewable and low carbon energy projects subject to no other material planning considerations outweighing the benefit of the provision of a renewable energy project.

11.2. The site of the panels lies outside of the Nidderdale National Landscape Area and is not on publicly accessible land. A relatively small area of arable land will be lost and converted to semi-improved neutral grassland. Although visible from a section of the public footpath to the south-west of the field, the effect on landscape features is considered to be minor and beneficial at a local scale. The site is well treed to all sides and it is considered that the proposal would not adversely impact on the landscape character of the Nidderdale National Landscape (AONB) or the surrounding area and would therefore comply with Local Plan Policies GS6, NE4 and CC3.

11.3. The proposed site lies to the north-east of Swinton Park registered park and garden. On balance, due to the separation distance and also the level of screening in terms of topography, boundary walls, trees and other landscaping features, it is considered that the proposal would not have any significant impact on the registered park, listed buildings or the setting of the listed buildings in close proximity to the site, and any harm would be outweighed by the public benefit of reducing carbon emissions for the wider community which would therefore be in accord with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Local Plan Policy HP2 and Section 16 of the NPPF.

11.4. Access to the site will utilise the existing vehicular access off Swinton Road and once operating, traffic movement will be low. Access to the public footpath to the south corner of the field will not be impacted. There will not be a material impact on the surrounding highway network. The proposal is a significant distance from any residential properties. It is considered that the proposal would not create harm in terms of highway safety or residential amenity.

11.5. The mandatory Biodiversity Net Gain has been far exceeded with a net gain of 135.04%

that will be achieved by the creation of other neutral grassland, native hedgerow and modified grassland to satisfy the trading rules.

11.6. On balance, the benefits of the development providing renewable energy to the Swinton Estate in an effort to reduce the Estate's environmental footprint, whilst contributing to the wider public benefits of reducing carbon emissions are considered to outweigh any harm to the nearby heritage assets and wider landscape area.

11.7. As such, the proposal is considered to accord with the provisions of the NPPF and the local development plan and there are no other material considerations that warrant setting aside local planning policies.

12.0 RECOMMENDATION

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

Recommended conditions:

Condition 1 Time Limit

The development hereby permitted shall be begun on or before 3 years from consent.

Reason: To ensure compliance with Sections 91-94 of the Town and Country Planning Act 1990.

Condition 2 Approved Plans

The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details and drawings set out below.

Location Plan: (Received 09.06.2025)
Site Plan: Drwg No.ERG-DT-SPSF-002 Rev 01 (Received 09.06.2025)
Solar Array cross section: Drwg No. SPSF-Drawing-004 Rev A (Received 09.06.2025)
Side elevation: Drwg No. SPSF-Drawing-005 Rev A (Received 09.06.2025)
Proposed elevations: Drwg No. ERG-DT-SPSF-006 Rev P1 (Received 09.06.2025)

Reason: In order to ensure compliance with the approved drawings.

Condition 3 Habitat Management and Monitoring Plan

The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the Biodiversity Gain Plan and including:
(a) a non-technical summary;
(b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
(c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the Biodiversity Gain Plan;
d) the management measures to maintain habitat in accordance with the Biodiversity Gain Plan for a period of 30 years from the completion of development, including the management of invasive species and
(e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority, has been submitted to, and approved in writing by, the

local planning authority.

Reason: In the interests of preserving and enhancing biodiversity in relation to mandatory BNG and Local Plan Policy NE3.

Condition 4 HMMP implementation

Notice in writing shall be given to the Council when the:
(a) HMMP has been implemented; and
(b) habitat creation and enhancement works as set out in the HMMP have been completed.

Reason: In the interests of preserving and enhancing biodiversity in relation to mandatory BNG and Local Plan Policy NE3.

Condition 5 Habitats maintained

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Reason: In the interests of preserving and enhancing biodiversity in relation to mandatory BNG and Local Plan Policy NE3.

Condition 6 Monitoring reports

Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason: In the interests of preserving and enhancing biodiversity in relation to mandatory BNG and Local Plan Policy NE3.

Condition 7 Lighting scheme

Prior to the installation of any lighting in association with the development hereby permitted, a lighting scheme shall be submitted to and agreed in writing by the local planning authority. Thereafter, the artificial lighting shall be operated in accordance with the approved scheme. No artificial lighting is to be directed onto the habitats surrounding the site. Where lighting is necessary, then this should be subject to passive infra-red sensor activation only, in order to reduce the times of operation. New lighting must be designed to avoid any illumination of potential roost locations and all unnecessary lighting must be avoided.

Reason: In the interest of safeguarding the habitat of roosting bats and birds, in line within Local Plan policy NE3 and provisions of the NPPF.

Reason: To maintain potential bat flight and forage routes within the adjacent woodland.

Condition 8

Works that may have an impact on any ecological elements within and adjacent to the site, and any mitigation to be undertaken and implemented in accordance with recommendations in Chapter 7 of the Preliminary Ecological Appraisal, Ref: BG23.319 December 2023.

Reason: In the interests of preserving and enhancing biodiversity and ecology in line with Local Plan Policy NE3

Condition 9

Works to be conducted outside of the bird breeding season (March-August inclusively) unless a pre-commencement check by a suitably experienced ecologist demonstrates no actively nesting birds are present on site.

Reason: In the interests of protecting local wildlife

Condition 10

Unless agreed in writing by the Local Planning Authority, the solar panels and associated equipment hereby approved shall be removed from the site in the event of their discontinued use, within a time period of 6 months from the last use of the solar panels.

Reason: In the interests of visual amenity within a Landscape Character Area

Informative

Development may not be begun unless:
1. a biodiversity gain plan has been submitted to the planning authority; and
2. The planning authority has approved the plan.
Note: A developer must submit the Biodiversity Gain Plan to the planning authority writing, no earlier than the day after planning permission has been granted. (Biodiversity net gain -GOV.UK para. 35)

Deemed Mandatory BNG Condition Key Requirements:
The biodiversity gain plan must include[1]:
1. information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
2. the pre-development biodiversity value of the onsite habitat;
3. the post-development biodiversity value of the onsite habitat;
4. any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
5. any biodiversity credits purchased for the development; and
6. any such other matters as the Secretary of State may by regulations specify
[1] Paragraph 14(2) of Schedule 7A TCPA 1990

Target Determination Date: 14 November 2025

Case Officer: Jeremy Constable, jeremy.constable@northyorks.gov.uk

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