

North Yorkshire Council
Community Development Services
Skipton and Ripon Area Constituency Committee

3RD OCTOBER 2023

**ZA23/25228/REG3 - REPLACEMENT OF PEDESTRAIN GALLOWS BRIDGE AND
IMPROVEMENTS TO THE STEPPED ACCESS LOCATED AT EITHER END OF
THE BRIDGE. AT GALLOWS BRIDGE OVER THE LEEDS AND LIVERPOOL
CANAL AND THE STAIRS ON BOTH SIDES OF THE BRIDGE, SKIPTON, ON
BEHALF OF NORTH YORKSHIRE COUNCIL**

Report of the Corporate Director – Community Development Services

1.0 PURPOSE OF THE REPORT

- 1.1 To determine a planning application for the replacement of Gallows Bridge and improvements to the stepped accesses located at both ends of the bridge.
- 1.2 To set out details of the proposal, a description of the site and its surroundings, a summary of planning policy and planning history, details of views expressed by consultees, a summary of the relevant planning issues and a recommendation to assist the Committee in considering and determining this application for planning permission.
- 1.3 This application is brought to the Area Planning Committee as the application has been submitted on behalf of the Council for development.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION:

- 2.1 That planning permission be GRANTED subject to the conditions listed below.
- 2.2 That applicant seeks full planning permission for the replacement of pedestrian Gallows Bridge and improvements to step access. The site is within the main built-up area and conservation area of Skipton. Currently on site is the existing pedestrian bridge.
- 2.3 Pre-application discussions commenced in December 2020. Two phases of public consultation were undertaken between 24th February and 24th March 2021 and again between 18th October and 12th November 2021. Feedback from stakeholder consultation was also incorporated into the design of the bridge.

3.0 PRELIMINARY MATTERS

3.1 Access to the case file on Public Access can be found here [Public Register](#)

3.2 The following relevant planning history has been identified for the application site:

2021/22943/EIASC - EIA Screening Opinion Request for the Skipton Gateway Scheme.

4.0 SITE AND SURROUNDINGS

4.1 The application site covers a total area of approx. 70 sqm and is within the Skipton Conservation Area located between the Waller Hill Car Park and bus station (east) and the Cavendish Street Car Park (west).

4.2 The bridge over the Leeds and Liverpool Canal provides a direct pedestrian connection between Skipton Railway Station located to the southwest of the bridge and the bus station located to the north east of the bridge. The bridge also provides a direct connection between Tesco's and Morrison's supermarkets, Cavendish Street car park and the town centre.

4.3 Gallows Bridge is a 13.5m single-span structure consisting of two universal beams supporting a timber plank deck. The overall width is approximately 2.08m. There are steel bracing spans between the beams; all the steelwork is painted. There are two painted, metal handrails with vertical infill struts to each side of the deck. Abutments and wingwalls retain the access steps and appear to be a mixture of old and new Yorkstone. The Yorkstone wingwalls continue upwards to form the masonry parapets to both sides of the access steps.

4.4 To the north of the bridge is a small building that houses the Canal & River Trust boater facilities and a small masonry wall. To the west of the canal, at the eastern boundary of Cavendish Street car park, is a masonry wall approximately 2.3m - 4.3m high which separates the canal towpath from the car park. The wall continues along the western access steps to form the wingwalls and parapet.

4.5 Gallows Bridge is accessed from Gas Street to the west and from Keighley Road via the Waller Hill car park and bus station from the east. The immediate land use surrounding the site comprises of the bus station to the east and car parks on both sides of the canal, with residential properties located to the south at Hirds Yard, and with Belmont Bridge and commercial uses located to the north.

4.6 The bridge and the Leeds and Liverpool Canal are not listed buildings; however, the canal is considered a non-designated heritage asset (NDHA).

4.7 The site is located within the main built-up area of Skipton.

4.8 Within the surrounding area are several listed buildings identified as No. 2 Cross Street, Christ Church, and The Craven Hotel.

4.9 A total of seven arboricultural features are located on or near the site consisting of four individual trees, two groups of trees and one hedge.

4.10 As per the Environment Agency's Flood Map for Planning, the entire site is located within Flood Zone 2, an area with a medium probability of flooding and Flood Zone 3 which has a high probability of flooding from rivers and sea.

4.11 The entire site is also located within an area at risk of surface water flooding.

5.0 DESCRIPTION OF PROPOSAL

5.1 Replacement of pedestrian Gallows Bridge and improvements to the stepped access located at either end of the bridge.

5.2 The replacement bridge would consist of a steel truss with an overall length and width similar to the existing bridge.

5.3 The existing masonry abutments would be retained and re-used.

5.4 The existing steps would be replaced with individual Yorkstone steps with consistent rises and treads. A handrail at a height of 900mm would be provided at each step side. The existing masonry parapet walls would be re-profiled to accommodate the new steps.

5.5 A Flood Risk Assessment was submitted as part of the application (dated July 2023). No changes are proposed to existing surface water drainage arrangements. The deck would be cambered longitudinally to allow runoff to either end of the bridge. EA modelled flood levels confirm that the steps to the east would not impact flood risk. The EA flood mapping indicates that the steps to the west are in FZ3. However, modelling provided by the EA locates the existing and proposed steps outside of the 1 in 100 year plus 30% climate change flood level. Therefore, replacement of these steps will not impact flood risk and flood storage compensation is not required.

5.6 The submitted Arboriculture Impact Assessment (dated July 2023) has confirmed that no trees would be removed because of this proposal. Tree protection measures are proposed.

5.7 The Heritage Statement (dated July 2023) sets out the significance of the bridge and canal and provides an assessment of the impact of the proposal on the bridge and its setting.

5.8 The Environmental Management Plan (EMP) (dated June 2023) sets out the measures and mitigation requirements of the proposal to ensure compliance with environmental protection requirements.

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 the Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

6.2 The Adopted Development Plan for this site is the Craven Local Plan 2012 to 2023 adopted November 2019

Emerging Development Plan - Material Consideration

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

Guidance - Material Consideration

6.4 Relevant guidance for this application is:

- National Planning Policy Framework 2023
- National Planning Practice Guidance
- National Design Guide
- Flood Risk in Craven SPD
- Good Design in Craven SPD
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Skipton Conservation Area Appraisal
- Craven District Strategic Flood Risk Assessment (SFRA)

7.0 CONSULTATION RESPONSES

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

Consultees

7.2 **Skipton Town Council:** No comment

7.3 **NYC (Craven) Contamination Officer:** No objection.

7.4 **NYC (Craven) Environmental Officer:** No objections subject to conditions.

7.5 **NYC (Craven) Tree Officer:** No objections subject to conditions.

7.6 **Independent Heritage Officer:** No objections subject to conditions.

7.7 **Canal and River Trust:** No objection subject to conditions.

7.8 **Environment Agency:** No objection subject to a condition recommending compliance with the submitted FRA.

Local Representations

7.9 No local representations have been received.

8.0 ENVIRONMENT IMPACT ASSESSMENT (EIA)

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

9.0 MAIN ISSUES

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

- Principle of upgrading Gallows Bridge and improvements to access
- Visual impacts
- Impacts of works on the non-designated heritage asset and designated heritage assets.
- Impact on Trees
- Flood Risk
- Other Matters

10.0 ASSESSMENT

Principle of Development

10.1 The proposal is for the improvement and enhancement of an existing pedestrian bridge over the Leeds and Liverpool Canal located in the main built-up area of Skipton.

10.2 The proposal is considered to be a sustainable form of development that would also make a positive contribution to sustainable travel as it would continue to enable pedestrian access across the Leeds and Liverpool Canal. The proposal therefore accords with Policies SD1 and INF7 of the Craven Local Plan.

Visual impacts

10.3 The existing bridge is in poor condition and of little historical merit and therefore, the design of the replacement bridge has been taken by a historical timber bridge which once spanned across the canal in this location. The existing steps would be upgraded using Yorkstone and some re-profiling to existing parapet wall would be required. Policy ENV3 seeks to ensure that developments make a positive change that respects the character of the area.

10.4 In this instance, it is considered that the development would result in a visual enhancement through a more sensitive and appropriately designed bridge and improved use of materials. The proposal therefore accords with Policy ENV3 of the Craven Local Plan.

Impact of works on the non-designated heritage asset and designated Heritage Assets

10.5 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a duty on the Council in respect of listed buildings in exercising its planning functions. In considering whether to grant planning permission for development which affects a listed building or its setting, the

Council is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest that the building possesses.

- 10.6 It is considered that the proposed works would not have an adverse impact on the nearby listed buildings in terms of their significance of setting due to the separation distances and scale of the proposal.
- 10.7 Section 72(1) – “In the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] any of the provisions mentioned in subsection (2)3, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.” Therefore, in considering whether to grant planning permission for development which affects the setting of a conservation area, the Council is required to have special regard to the desirability of preserving or enhancing the character or appearance of that area. These statutory duties are namely paragraph 202 of the NPPF (2023) which sets out 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”.
- 10.8 The application was accompanied by a heritage statement that sets out the evidence to consider the potential impacts on the conservation area. Policy ENV2 seeks to conserve and where appropriate, enhance designated and non-designated heritage assets.
- 10.9 It is acknowledged that there would be some harm caused to the character and appearance of the conservation area. However, due to the scale of the proposal it is considered that this would be a limited degree of harm (at the lower end of the scale) of “less than substantial” and so this harm must be weighed against the public benefits of the proposal.
- 10.10 The public benefits arising from the proposal would include an improved enhancement of the bridge and appreciation due to the design of the replacement bridge which has been informed in its design by a previous, more historic bridge design. In addition, the improvements to the bridge and steps would provide improved safety for users through the removal of a defective walkway and uneven steps.
- 10.11 The Council’s independent heritage consultant has confirmed in their consultation response that whilst there is some disagreement on the extent of the proposed works that subject to conditions requiring prior approval of the proposed colour scheme and that all new stonework shall match the existing walls in the type of stone and bonding, and that all new and repaired areas of walls shall be pointed in a lime-based mortar and a mix and sample panel of stone and repointing be prepared for approval and the re-use of coping stones that the proposal should be recommended for approval.
- 10.12 Whilst the scheme would cause less than substantial harm to the character and appearance of the conservation area, the sensitive design of the proposed replacement bridge and associated works that the harm would be outweighed by the public benefit of an enhance to the character and

appearance of the conservation area and non-designated heritage asset and providing an improved safe means of access across the Leeds and Liverpool Canal, in line with Policy ENV2 and paragraph 202 of the NPPF.

Impact on Trees

- 10.13 There is no proposed removal of any of the trees located within the immediate area of the bridge. The application is proposing the installation of tree protection measures prior to the commencement of works. The proposal has highlighted that there may be a requirement for some groundwork within the RPA of G15. The Council's Tree Officer has not objected to the proposed works but recommends a condition requiring the inspection and signing off of the tree protection fencing works and that should it become necessary for groundwork within the RPA of G15 the Council is notified so establish appropriate digging methods are implemented prior to those works being undertaken.
- 10.14 As such, there are no significant concerns in relation to any potential impact on trees as proposed tree protection measures and further details regarding potential works within the RPA of G15 can be secured by an appropriate wording condition.

Flood Risk

- 10.15 Paragraph 159 of the NPPF 2023 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk and where development is necessary, the development should be made safe for its lifetime without increasing the risk of flooding elsewhere. In order to determine this, Paragraph 161 states that a sequential test should be applied and then, if necessary, an exception test should be carried out.
- 10.16 Paragraph 162 of the NPPF 2023 describes the aim of the Sequential Test as being to keep development out of medium and high flood-risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible.
- 10.17 The site is located within FZ2 and FZ3 as classified on the Environment Agency's Flood Zone Map. In addition, it is classified as FZ3a by the Council's SFRA. To perform its function as a pedestrian bridge between the two urban areas of Skipton the replacement bridge would cross the Leeds and Liverpool canal and is therefore located in areas subject to medium and high probability of flooding.
- 10.18 When applying the sequential test to this development the conclusion is that it is not possible to locate the development in an area of lower flood risk.
- 10.19 NPPF Paragraph 163 states that where it is not possible for development to be located in areas with a lower risk of flooding (considering wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend upon the vulnerability of the site and the development proposed considered against the Flood Risk Vulnerability

Classification set out in Annex 3 of the NPPF. The Planning Practice Guidance expands upon Annex 3 and advises that within Flood Zone 3a 'essential infrastructure' requires an exception test to be undertaken, and to be designed and constructed to remain operational and safe in times of flood.

10.20 The Exception Test as set out in paragraph 163 and 164 of the NPPF, state that in order to pass the exception test a Flood Risk Assessment should be submitted to demonstrate that the development will:

(1) provide wider sustainable benefits to the community that outweigh flood risk, and

(2) that it will be safe for its lifetime taking account of the flood risk vulnerability classification, without increasing flood risk elsewhere, and where possible to reduce flood risk overall.

10.21 In terms of remaining operational and safe for users in times of flood, the proposed replacement pedestrian bridge is not liable to flooding as it is above the 1:100-year flood level. The existing eastern bridge column is partially located within the identified FZ's, however, the extended access steps would be located beyond any identified FZ's. Similarly, the existing western bridge column is located within the identified FZ2 with the majority of the access steps being located beyond any FZ's. Both bridge columns and steps have been designed to operate effectively and remain operational and safe for users in times of flood.

10.22 In terms of water flow and increased flood risk, the proposal has been modelled to determine its impact on the existing FZ's. The Environment Agency (EA) have reviewed the submitted FRA and are satisfied that the development would not result in any unacceptable increase in flood risk.

10.23 In terms of the Exception Test, the application demonstrates that the development will be safe for its lifetime by virtue of its design, will not impede water flows and will not increase flood risk elsewhere. Furthermore, the proposal comprises essential transport infrastructure that has to cross the area at risk as defined in Annex 3 of the NPPF and will provide wider sustainability benefits to the community through connecting existing communities to key destinations within Skipton, and services/facility locations to the west of the town.

10.24 Any potential impacts arising during the construction stage are negligible to minor adverse effects. No significant cumulative effects are predicted during the construction stage, and it is not considered that water quality would be affected by the proposal.

10.25 The proposal is therefore considered to meet both parts of the Exception Test in accordance with the NPPF. Furthermore, the proposal is considered to meet the requirements of Local Plan policies such as Policy ENV6 (Flood Risk), ENV8 (Water Resources, Water Quality and Groundwater).

Other matters

- 10.26 In terms of sustainability details provided show that the proposal would utilise existing materials that are suitable and practicable. This re-use of materials on-site reduces the impacts of the construction in terms of importing and exporting material. The use of an open-span bridge using steel also results in a lower carbon footprint compared to pre-cast concrete. It is considered given the nature of the proposal that it complies with the objectives of Policy SD2 (Meeting the Challenge of Climate Change) and Policy ENV3 (Good Design) of the Craven Local Plan and the NPPF.
- 10.27 Noise from construction activities and dust generated may cause temporary disturbance and nuisance to surrounding properties and users of footpath along the canal. However, these impacts would be short-term and temporary in nature and can be controlled by condition.
- 10.28 Illumination may be required during the winter months, however, in line with best standards, it is not considered that any illumination would result in any adverse light pollution and can be controlled by condition.
- 10.29 Details provided show that no protected species would be affected by the proposal. It is proposed that bat/bird boxes would be located beneath the bridge to encourage wildlife.
- 10.30 The works to the bridge would reduce the connectivity during the construction stage, however, these works are temporary and once completed connectivity between these two areas of Skipton would be restored.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 The proposed development is in a sustainable location and would help maintain a pedestrian connection between existing services and facilities in this area of Skipton. The development would not give rise to any adverse impact regarding neighbour amenity, biodiversity or increase flooding elsewhere.
- 11.2 It is acknowledged that the development would result in less than substantial harm to the designated heritage asset, but this harm is outweighed by the public benefits arising from the improved safety features of the pedestrian bridge.
- 11.3 It is therefore considered that the proposal accords with the requirements and expectations of the Core Policies of the Craven Local Plan, and with the relevant sections of the National Planning Policy Framework.

12.0 RECOMMENDATION

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

Time Condition

- 1 The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission.

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

Approved Plans and Documents

- 2 The development hereby permitted shall be carried out precisely in accordance with the approved drawings and particulars as set out below, together with any conditions attached to this approval which may require any variation thereof:

70089306-WSP-TCFSKGB-DR-CB-51810 LOCATION PLAN V2

Received 24th July 2023

70089306-WSP-TCFSKGB-DR-CB-51811 SITE LAYOUT V2

Received 24th July 2023

70089306-WSP-TCFSKGB-DR-CB-51813 PROPOSED V2

Received 24th July 2023

ARBORICULTURALMETHOD STATEMENT

Received 24th July 2023

EMP V1 ENVIRONMENTAL MANAGEMENT PLAN

Received 24th July 2023

FRA FINAL FLOOD RISK ASSESSMENT

Received 24th July 2023

PDAS FINAL PLANNING, DESIGN AND ACCESS STATEMENT

Received 24th July 2023

V2.0 PH SIGNED HERITAGE STATEMENT

Received 24th July 2023

Reason: To ensure that the development is carried out in accordance with the approved particulars and plans

Pre commencement conditions

- 3 Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Details to include:

- Measures to prevent any materials entering the canal during demolition and construction phases.
- The steps to be taken to prevent the discharge of construction site drainage, materials or dust or any accidental spillages entering the waterway.
- The location of stockpiles and construction equipment on site, and
- How the waterway corridor and its users would be protected during the works and including any details proposed protective fencing/netting to be

erected to safeguard the waterway infrastructure during demolition and construction phases.

Reason: In the interests of public safety and the Leeds and Liverpool Canal.

- 4 No development shall take place until a Construction Exclusion Zone has been formed around the Root Protection Areas of those trees identified as being retained in the ARBORICULTURAL METHOD STATEMENT dated July 2023 .

On installation of the protective fencing contact will be made with the Council's Tree officer for inspection and signing off.

The Construction Exclusion Zone shall be provided in the form of protective fencing of a height and design which accords with the requirements BS 5837: 2012 and shall be maintained in the duly installed positions during the entirety of the construction period insofar as it relates to these areas of the site.

Reason: To ensure that adequate measures are put in place to protect existing trees which are to be retained as part of the development before any construction works commence in accordance with the requirements of Craven Local Plan and the National Planning Policy Framework

During building works conditions

- 5 No site preparation, delivery of materials or construction works, other than quiet internal building operations such as plastering and electrical installation, shall take place other than between:

- 08:00 hours and 18:00 hours Monday-Friday
- 08:00 hours and 13:00 hours on Saturdays
- Not at any time on Sundays or Bank Holidays

Reason: To safeguard the living conditions of nearby residents particularly with regard to the effects of noise.

- 6 Notwithstanding any description of materials in the application and the requirements of condition 2 of this permission, no works shall take place to the existing stonewalls until a sample panel (measuring no less than 1 metre x 1 metre) of the stonework to be used on the external surfaces of the approved works hereby approved has been constructed on-site for the inspection and subsequent written approval of the Local Planning Authority.

The sample panel shall demonstrate the type, texture, size, colour, bond and method of pointing.

All stonework shall be constructed in accordance with the duly approved sample panel and maintained as such thereafter.

Reason: To ensure the use of appropriate materials which are sympathetic to the character of the conservation area in accordance with the requirements of Craven Local Plan policy ENV2 and the National Planning Policy Framework.

- 7 The existing coping stones are to be re-used unless otherwise approved by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and to comply with Policies ENV2 and ENV3 of the Craven Local Plan.

- 8 Prior to the external finishes of the replacement bridge being undertaken full details of the proposed colour scheme (including RAL number) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and to comply with Policies ENV2 and ENV3 of the Craven Local Plan.

- 9 No digging shall take place beneath the canopies of protected trees G15 without prior approval of the Council.

Reason: To ensure that appropriate digging measures are used to safeguard the health of protected trees and in the interests of visual amenity in accordance with the requirements of the Craven Local Plan.

- 10 Prior to the first use of any external illumination details shall be provided showing the number of lights, the power/intensity of illumination of the lights, any angling of the sites. The external illumination shall be implemented in accordance with the approved details and removed at the completion of the development.

Reason: In the interests of visual and residential amenity.

Prior to use condition

- 11 Prior to the first use of the development hereby approved 2no. bird boxes and 2no. bat boxes will be installed and retained thereafter.

Reason: In the interests of Biodiversity and to accord with Policy ENV4 of the Craven Local Plan.

Notes

Failure to adhere to the details of the approved plans or to comply with the conditions contravenes the Town and Country Planning Act 1990 and enforcement action may be taken.

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

The applicant should be advised that the proposed development on land in the Trust's ownership will require the prior consent of the Canal and River Trust which is likely to be in the form of a commercial agreement. The applicant is advised to contact the Trusts Estate Management Team on 0303 040 4040 directly to discuss this matter.

The applicant/developer is advised to contact the Canal and River Trust Infrastructure Services Team on 01782 779909 or email Enquiries.TPWNorth@canalrivertrust.org.uk in order to ensure that any necessary consents are obtained and that the works comply with the Canal and River Trust "Code of Practice for Works affecting the Canal and River Trust" to ensure that the waterways are protected and safeguarded.

The applicant shall identify all areas of the site and the site operations where dust may be generated and ensure that dust is controlled so as not to travel beyond the site boundary.

Target Determination Date: 4 September 2023

Case Officer: Andrea Muscroft

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