

**Parish: Stokesley**  
Ward: Stokesley  
**11**

Committee Date : 16th December 2021  
Officer dealing: Mr Nathan Puckering  
Target Date: 28th July 2021  
Date of extension of time (if agreed): 17th December 2021

**21/01435/FUL**

**Application for a riverside scheme to enhance Levenside, improve the accessibility and safety of the current pedestrian access alongside the River Leven within the town by providing new surfaced footpaths, replacing the Golden Lion plank bridge, reconstructing parts of the riverbank, improving the wayfinding and upgrading landscape features as per amended plans received by Hambleton District Council on 24th September 2021.**

**At: Levenside Enhancement Bridge Road Stokesley**  
**For: Mr David Oxley.**

#### 1.0 Site, Context and Proposal

1.1 This application concerns the majority of the south bank of the River Leven in Stokesley Town Centre, a short section of the north bank on the east side of the town centres, as well as some in-river works. The area in question starts from the bridge adjacent to Leven Wynd in the west and the area of footpath to the south of this, along to the Golden Lion plank bridge, the footpath which then leads from this bridge and follows the curve of the Leven to Church Bridge and finally the stretch of footpath on the north bank of the river which runs parallel to Manor Close. The site is wholly within the Stokesley Conservation Area.

1.2 Given the size of the site, the defining characteristics as one moves through the site change somewhat. The western-most section is still part of the town centre and feels very much connected to Bridge Road and the High Street. That said, once beyond the grade II listed Packhorse Bridge (the focal point of the area), it becomes more tranquil, with development becoming less dense and large mature trees to the north help to mitigate some of the noise from the nearby centre. Ultimately though, this tranquillity is punctured as one walks towards Manor Close and the busy Helmsley Road - one of the main routes in and out of the town. Over time, the area as a whole, has become dominated by the road which runs parallel to the river and serves the dwellings in this area and this undoubtedly harms the attractiveness to pedestrians utilising the space, although this is slightly offset by the degree to which the existing footpath hugs the riverbanks and benefits from a degree of separation from the road by a small timber fence and large mature trees.

1.3 The works proposed under this application are put forward as an "enhancement scheme" to the public realm in this area by way of the following:

- removing the Golden Lion plank bridge and replacing it with a steel footbridge
- removal of the paving slabs and replacement with a wider footpath (1200m/1500mm in width) constructed using a winter gold bound gravel surface

- adjusting the locations of the existing benches throughout the site, all now to be sat on areas of Yorkshire paving
- repair and rebuild of sections of the riverbank
- installation of various signs which set out information relating to the area and wayfinding
- repair sections of damaged soft landscaping and introduce additional areas of planting along the riverbank
- installation of boulders to prevent unsafe parking on one small area of land on the riverbank

1.4 Additional information by way of a Flood Risk Assessment which was lacking from the original submission has been added to the application on the request of the Environment Agency. Furthermore, changes to the design of the new bridge were submitted by the agent, changing the material from timber to steel. A re-consultation was carried out following this amendment.

2.0 Relevant Planning History

2.1 None relevant

3.0 Relevant Planning Policies

3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

Core Strategy Policy CP17 - Promoting high quality design

Core Strategy Policy CP21 - Safe response to natural and other forces

Development Policies DP1 - Protecting amenity

Development Policies DP3 - Site accessibility

Development Policies DP28 - Conservation

Development Policies DP32 - General design

Development Policies DP33 - Landscaping

Development Policies DP37 - Open space, sport and recreation

Development Policies DP43 - Flooding and floodplains

Hambleton Emerging Local Plan

The Hambleton Local Plan was considered at Examination in Public during October-November 2020. Further details are available at

<https://www.hambleton.gov.uk/homepage/60/new-local-plan-examination>.

The Local Planning Authority may give weight to relevant policies in an emerging plan as advised in paragraph 48 of the NPPF.

National Planning Policy Framework

4.0 Consultations

- 4.1 Stokesley Town Council were not consulted as the Town Council is the applicant.
- 4.2 NYCC Highways - The Local Highway Authority requires information to be submitted to the County Council's Bridges Section that would allow the design of the proposed bridge to be checked against the relevant design criteria. An "Approval in Principle" (AIP) would be required from the Bridges Section and copies of the design calculations must be submitted to ensure that the proposed bridge is of an appropriate design. Once the proposed bridge has been constructed, a "Certificate of Supervision" shall be provided to the Local Highway Authority to certify that it has been constructed correctly.

Notwithstanding the above, no objections to this planning application subject to conditions.

- 4.3 Environment Agency - Initially objected to the application on the grounds of lack of an FRA but subsequently withdrew the objection subject to conditions.
- 4.4 Northumbrian Water - We can inform you that a number of assets are located within the red line boundary and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus. We will work with the developer to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. It is also worth noting that the proposed development site lies adjacent to a pumping station. Noise and odours can be a by-product of its operation and in addition vehicles and staff may need to access the pumping station compound at any time for maintenance and operational purposes.
- 4.5 Stokesley Conservation Area Advisory Group - In the main the group believed the proposal scheme preserves the character of the Conservation Area. However, they raise concerns relating to the use of resin bound gravel and believe it would look incongruous and would prefer the use of the Yorkshire paving being used around the seats to be used throughout the development. Furthermore, raise concerns with the short life span of the proposed material.

Following re-consultation, the groups stance changed as they submitted comments regarding the accuracy of some of the information and concerns with the replacement bridge - deeming the existing one a heritage asset. As such recommend withdrawal.

- 4.6 Site Notice & Neighbour Notification - 14 letters of objection, 1 neither supporting or objecting and 1 supporting, in response to the initial consultation. The comments can be summarised as follows:

Object

- The claims that the development will address health and safety issues is unfounded as there are no records of accidents on the existing bridge
- The bridge is a heritage asset, and its loss would be harmful to the Conservation Area. This is compounded by the fact there have been several previous examples of plank bridges which have been lost.

- There are already issues with parking and highway safety on Levenside and these will be exacerbated by this proposal - both increasing use of the area by pedestrians and encouraging more cars to the area.
- The width of the new footpath is unnecessarily wide which will make it look incongruous and also encourage use by non-pedestrians - e.g. bicycles and skateboards. This will cause potential health and safety issues, especially with vulnerable users.
- The material proposed for the new footpath is out of character of the area and therefore harmful
- There has been no detailed consultation from the Town Council prior to submission
- The area proposed to be blocked up by boulders to prevent parking needs to be kept open for emergency services. The use of boulders is also not in keeping with the area.
- The land is not owned by the Town Council and therefore the legal basis of the application is flawed, and it must be disregarded

#### Support

- Welcome the enhancement.

Following amendments, a 10 day re-consult was carried out. 13 letters of objection were received, many of which restated the initial concerns. The additional issues raised can be summarised as follows:

- The Heritage Statement should be amended in light of the new design for the bridge
- It is disappointing that initial concerns have been ignored
- The steel bridge is obtrusive, complex and overkill

## 5.0 Analysis

- 5.1 The main issues to consider are: (i) the impact of the proposal on the significance of the Stokesley Conservation Area, (ii) design, (iii) flood risk, (iv) ecology and (v) highway safety.

#### Impact on the Conservation Area

- 5.2 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework at paras 195 and 196 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.
- 5.3 The River Leven and the surrounding area undoubtedly contributes heavily to the significance of the Conservation Area as a whole. The Stokesley Conservation Area Appraisal names Levenside as one of the seven 'Character Areas' which it defines as playing a role in the overall sense of place within the Conservation Area. It notes that this part of town has "almost a rural village character with the shallow river winding through the informally laid out street plan flanked with large trees that break up the urban form." It then notes that the river is "very accessible" and that this is one of the "most

important aspects of this part of the town". Finally, in reference to the river it also refers in passing to the pedestrian and road bridges, the several fords and the steps and footpaths.

- 5.4 The applicant submitted a Heritage Statement prepared by Humble Heritage which outlines the aspects of the site which contribute to the significance of the Conservation Area and this again focuses on the River Leven and concludes that it plays a role in unifying an "architecturally heterogeneous area" and remains a major component of the town. It places great importance on the "key tree groups" in and around the site and the views along the river taking in the water, bridges, trees, and historical buildings which are all readily available within the immediate locality of the site; all of which culminates in these aspects of the site contributing strongly to the overall significance of the Conservation Area.
- 5.5 Overall, this assessment of significance is accepted. Whilst clearly the built form and streetscape - i.e. the rather attractive cottages that line Levenside, the historic Packhorse Bridge and the views along the treelined River Leven - are contributing factors to the significance of the Conservation Area, the walk along the River Leven also contributes something less tangible through the tranquillity and quiet area of public realm that it provides; something which is probably intensified due to the juxtaposition alongside the busy High Street/market place. This is a major part of the character and appearance of the Stokesley Conservation Area derived wholly from the site.
- 5.6 It is considered that the proposal will have a largely neutral impact in relation to this defining characteristic. It effectively concerns the upgrade of an existing, modern, concrete footpath which contributes nothing to the overall character and appearance of the Conservation Area and is of no historic significance. There have been several public objections which cite concerns with the proposed material and the fact that this will be intrusive and not in-keeping with the area. Whilst it is noted that it will introduce a material which isn't currently evident in the area, this does not automatically equate to harm. As alluded to, the materials there at present are currently harmful to the overall appearance by way of their damaged appearance and the changes proposed will work to rectify this problem to some degree.
- 5.7 The vast majority of the public objections, as well as that received from the Stokesley Conservation Area Advisory Group, refer to the Golden Lion plank bridge (which is to be removed and replaced with a steel foot bridge) as a heritage asset and assert that its removal will lead to harm which warrants refusal of the application. The bridge in question is constructed using concrete blocks and has been covered by tarmac which has now somewhat worn away leaving the bridge looking slightly tired. The Heritage Statement dates it from the 1960s based on its construction and cartographic evidence. This seems a fair and reasonable assessment.
- 5.8 Whilst great importance has been placed on it being a plank bridge in the public comments, it is Officer's opinion that from a heritage standpoint, the location of the bridge is more historically significant than the design as it stands today - which is considered fairly unsympathetic. As such, the development proposed by way of its replacement with a relatively small (only

1.1m at the tallest point) bridge in exactly the same location adequately protects the significance of the Stokesley Conservation Area. It is worth noting that the design of the bridge itself is similar to several other bridges in the area and the use of steel certainly has precedent in this respect and therefore the proposal is considered in-keeping with the character and appearance of the Conservation Area.

- 5.9 On the whole, the proposal is considered to equate to result in a minor but positive impact to the overall significance of the Stokesley Conservation Area. As a result, it is acceptable on heritage grounds when assessed against the tests set out in the NPPF.

#### Design

- 5.10 Policies CP17 and DP32 concern the design of development. Policy CP17 requires development to be of a high quality design and, amongst other things, "provide an attractive, functional, accessible, safe and low maintenance development" and "secure improvements to public spaces". Furthermore, DP32 requires development proposals to "seek to achieve creative, innovative and sustainable designs that consider local character and settings and promote local identity and distinctiveness".
- 5.11 As already set out, the overall development will work to rectify concerns with the quality of the footpath and overall public realm in this area of Stokesley by replacing a worn out and rather unsympathetic concrete path with a high quality and durable alternative. The wider footpath will allow users in wheelchairs and pushchairs to comfortably use the route and improve accessibility in this respect.
- 5.12 Concerns with the potential use of the development by "unwelcomed users" such as bicycles and skateboards arising, due to the width of the new path, raised in the objections are noted. This is an issue which already exists, not only on this footpath but on most pavements/footpaths, and to preclude repair and enhancement works, which would improve the area in question overall, would be somewhat fruitless in terms of addressing the issue of unwanted use of footpaths. As such, this is not considered a reason for refusal on this occasion.
- 5.13 The proposal includes the use of "boulders" on a small section of the riverbank adjacent to the ford in an attempt to prevent unsafe/illegal parking in an area, which is a known problem at present. Whilst an unusual feature in terms of design, it is thought that this is actually a sympathetic method which is more in-keeping with the river/semi-rural location than a typical urban-style bollard.
- 5.14 In terms of the bridge, an assessment of its design has been carried out in the preceding section but without being unnecessarily repetitive; the design is considered to be acceptable given the surrounding precedent for this kind of design and given its suitable size and scale, will not be harmful to the visual amenity of the locality.
- 5.15 On the whole, the above assessment demonstrates that the different aspects of the development achieve the aims of policy CP17 by providing an

accessible and functional space and securing an improvement to the public realm. Furthermore, it is a development which has taken into account local character and setting and therefore complies with policy DP32. Thus, it is considered acceptable in design terms.

#### Flood Risk

- 5.16 Policy DP43 precludes development that would have an adverse effect on watercourses or increase the risk of flooding elsewhere. The site is in flood zone 3 and consequently the Environment Agency requested a Flood Risk Assessment to be submitted.
- 5.17 The Flood Risk Assessment concluded that the development would not increase the likelihood of flooding offsite. The topography of the immediate area surrounding the river falls towards the watercourse and this will be maintained. The Environment Agency offered no objection to this conclusion. They have requested a condition requiring the design specifics of the in-river works to be submitted prior to commencement to ensure there will be no unexpected increase in flood risk.
- 5.18 Overall, the proposal is compliant with DP43 and is considered acceptable on flood risk grounds.

#### Ecology & Trees

- 5.19 Policy DP31 states "permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation". A Preliminary Ecological Appraisal and an Arboriculture Assessment were submitted as part of the application. The former concluded that there is potential that the habitats on the site are suitable for protected species and as a result, further investigatory surveys prior to work commencing are recommended. The latter concludes that no trees will be lost as a result of the works, but a method statement must be submitted detailing how works within the Root Protection Zone of the trees will ensure no harm will arise to the trees during construction.
- 5.20 Full implementation of the above measures and conditions securing this have been agreed with the agent. As such, the proposal will not pose a risk to ecology or the existing trees on the site and therefore the proposal complies with policy DP31.

#### Highway Safety

- 5.21 The Local Highways Authority were consulted to ensure the proposed development will not compromise highway safety. They subsequently offered no objection subject to a condition requiring a Construction Management Plan to be submitted.
- 5.22 A number of the objections relate to concerns with parking in the area of Levenside and the fact this development will exacerbate this issue. Whilst it is noted that there may be an existing issue with parking or lack thereof, this development is not considered to lead to further harm in this respect as it is simply work's which are improving an existing footpath and does not impact parking provision or the highway.

5.23 Overall, the development will not compromise highway safety and is considered compliant with DP3.

#### Planning Balance

5.24 It is considered that the proposed development will lead to no harm to heritage assets or their setting and that the proposed development will result in access improvements in the public realm. It is considered that the proposals result in no unacceptable impacts to road safety or the amenity or appearance of the area. The proposals comply with all relevant Local Development Framework policy and are considered acceptable.

#### 6.0 Recommendation

6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)

1. The development hereby permitted shall be begun within three years of the date of this permission.

2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered ECB-20-0003:- 010 Rev A, -011 Rev B, -012 Rev B, -013 Rev B, -014 Rev B, -015 Rev B, -016, PWP433:.001 Rev 09, .002 Rev 08 and .003 Rev 08; received by Hambleton District Council on 02.06.2021 and 24.09.2021; unless otherwise approved in writing by the Local Planning Authority.

3. The in-river works must not be commenced until such time as a scheme to ensure the development does not increase flood risk elsewhere has been submitted to, and approved in writing by, the local planning authority.- Final designs should be supplied detailing the in-river proposals - An updated Flood Risk Assessment should be supplied which shows that the final designs will not increase flood risk on or offsite. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

4. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited to, arrangements for the following in respect of each phase of the works:- the parking of contractors' vehicles;- areas for storage of plant and materials used in constructing the development clear of the highway;- contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

5. The following surveys must be carried out by a qualified ecologist, prior to work commencing:- survey of mature trees for bats should be undertaken prior to works being undertaken. A detailed internal inspection of any identified potential roost features should be carried



out by a licenced ecologist using torches and endoscopes to compile information on dimensions, suitability, and any evidence of roosting bats:- survey of the site for signs of Otter and Water Vole is conducted by a suitably experienced ecologist prior to works commencing. This will consist of a daylight walkover survey to inspect the riverbanks and surrounding suitable habitat for signs of Otter and Water Vole such as prints, spraint and droppings, feeding remains, burrows and resting places. This should be carried out between April and September (inclusive). The results of these surveys shall be submitted to the Local Planning Authority. Should any mitigatory measures be required following these surveys, these should be implemented fully.

6. Vegetation clearance should be carried out outside of the active season for nesting birds (March - August inclusive). Should this not be possible, a nesting bird check must be carried out by a suitably experienced person immediately prior to vegetation clearance. Any active nests present should be left undisturbed with a suitable buffer of vegetation (at least 5m) left around them to avoid harm to birds, their nests and the destruction of eggs. The buffer should remain in place until any chicks have fledged (flown the nest). Any active nests found under the bridge should be left until all chicks have fledged.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP17, DP28 and DP32.
3. To ensure that there are no detrimental impacts to flood storage or flood flows.
4. In the interest of public safety and amenity.
5. To ensure all protected species are adequately taken into account during the construction phase; as per the requirements of policy DP31.
6. To ensure all protected species are adequately taken into account during the construction phase; as per the requirements of policy DP31.