

**Parish: Thirsk**  
Ward: Thirsk  
**11**

Committee Date : 14 November 2019  
Officer dealing : Miss Ruth Hindmarch  
Target Date: 19 November 2018  
Date of extension of time (if agreed): 1 March 2019

**18/01717/FUL**

**Demolition of day nursery and dwelling house and replacement with five detached houses.  
at Burniston & Stonehall Stockton Road Thirsk North Yorkshire  
for JDZ Development Ltd.**

### **1.0 Site description and proposal**

1.1 The site is located on Stockton Road, Thirsk and currently occupies a vacant nursery building and a detached dwelling. The site is located within the development limits of Thirsk and is bounded on three sides by residential properties with the remaining side fronting onto Stockton Road. There is existing landscaping along Stockton Road which includes hedging and tree planting.

1.2 It is proposed to demolish the existing buildings on site and replace them with five, 5 bedroom two storey detached properties with rooms in the roof. Some planting within the site is to be removed, including conifer hedging to the eastern boundary. Additional planting is proposed along the front boundary. Four of the properties will take access from Stockton Road through two shared access points. The fifth property will be accessed from Stoneybrough Lane to the rear.

1.3 During consideration of the application improvements have been sought to the scheme. The size and design of some of the dwellings has been amended to improve the overall design of the scheme and also in the interest of the amenity of surrounding properties. An indicative landscaping scheme has been provided to show the arrangement of tree and hedge planting on the boundaries of the site.

### **2.0 Relevant planning and enforcement history**

2.1 There is no relevant history on this site. The following application for the redevelopment of 91 and 91A Long Street to the south of this application site is relevant to this proposal as they are both to be carried out by the same developer.

2.2 17/02037/FUL – Demolition of two houses and construction of 6 flats with parking spaces; Granted December 2017

### **3.0 Relevant planning policy**

3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy CP8 - Type, size and tenure of housing
- Core Strategy Policy CP17 - Promoting high quality design
- Development Policies DP1 - Protecting amenity
- Development Policies DP3 - Site accessibility
- Development Policies DP8 - Development Limits
- Development Policies DP32 - General design
- Development Policies DP33 - Landscaping

#### **4.0 Consultations**

- 4.1 Thirsk Town Council – Recommend approval.
- 4.2 Highway Authority – no objection subject to condition on the original scheme, comments awaited on the revised scheme that takes an access from Stoneybrough Lane.
- 4.3 Contaminated Land Officer – no objections subject to conditions
- 4.4 Environmental Health – no objections
- 4.5 Yorkshire Water – no comments received
- 4.6 Public comments – representations have been received from neighbouring properties. Concerns have been raised over the visual dominance of the dwellings, the impact on the existing footpath through the site, the rear access point not being under the ownership of the applicant, the presence of a telegraph pole within the rear access area, the impact on the amenity of neighbouring properties of the proposed rear access, potential for overlooking and blocking of light and clarification sought on the landscaping of the site.

A letter of support for the revised scheme was also received.

#### **5.0 Analysis**

- 5.1 The main issues to consider are:
  - (i) the principle of development;
  - (ii) housing mix;
  - (iii) design of the dwellings and the impact on the character and appearance of the area;
  - (iv) highway issues;
  - (v) residential amenity;
  - (vi) drainage;

##### Principle

- 5.2 The site is located within the Development Limits of Thirsk which is a Principal Service Centre within the Settlement Hierarchy, the Local Development Framework directs development to service centres. The proposal is for redevelopment of a previously developed site. Whilst the land within the curtilage of the dwelling Burniston is, with reference to the glossary of the NPPF, not previously developed land, the land within the curtilage of Stonehall, is previously developed land.
- 5.3 Policy CP2 of the LDF states development should be located so as to minimise the need to travel. Convenient access via footways, cycle paths and public transport should exist or be provided. Policy CP4 states development of a scale and nature appropriate to secure the sustainability of each settlement will be supported within the Development Limits of the settlements in the hierarchy. The site is considered to be in a sustainable location, there is a bus stop close by, and services within the town are also accessible by foot or cycle.
- 5.4 The proposed development is considered to be a natural infill of the site with a scale of development that is considered appropriate to its location within the limits of this

Principal Service Centre. The principle of redevelopment of the site is considered acceptable.

### Housing Mix

- 5.5 The Size, Type and Tenure of New Homes SPD that builds on the Development Policies Policy DP13 (Achieving and Maintaining the Right Mix of Housing) has been published to encourage a range in house types and sizes and increase tenure choice, enabling all residents to have access to a decent home which they can afford, and which suits their need.
- 5.6 The SPD details that the Council wishes to improve the new housing offer by enabling the provision of more smaller homes, homes to meet the needs of older people, some shared housing, specialist housing, self-build, a wider tenure choice. The locally expressed housing needs in the SHMA identifies a need for 2 and 3 bedroom dwellings and single storey dwellings across the District to meet local needs.
- 5.7 This development proposes five detached properties that all have five bedrooms. It is considered that the proposal fails to comply with Policy DP13 due to the lack of 2 and 3 bedroom dwellings and the absence of single storey dwellings.
- 5.8 Within the submitted design and access statement reference is made to the size of the dwellings proposed stating the designs provide for modern living with generous room space redolent of the era of the existing housing and recognises the increasing requirement for multi-generational occupancy without crowding. It is also stated that were the houses to be constructed to a brief reflecting less space and a lesser number of bedrooms it is likely there would in a very short timeframe be pressure to extend the properties.
- 5.9 The comments in the design and access statement are noted however it is not considered this provides justification for allowing a development that does not accord with DP13 and does not provide a scheme that reflects the need for smaller dwellings.

### Design and impact on the character and appearance of the area

- 5.10 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is: "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.11 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.12 The National Planning Policy Framework supports this approach and, at paragraph 130, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.13 The applicant has submitted a Design and Access Statement in support of the proposals in which they conclude '*overall the developer has sought to replicate the provision of housing reflected...on Stockton Road in a number of ways principally the individuality of the high quality well-spaced dwellings with significant provision of gardens front and back, individual access, standing well back from the highway*'.

- 5.14 Local residents have raised concern over the scale of the proposals, albeit some of these comments relate to the original scheme. The dwellings now proposed will be higher than the adjoining dwellings however not significantly so. Despite concerns from neighbours it is not considered the dwellings would appear unduly dominant within the street scene and the design would reflect the character of the immediate area.
- 5.15 In terms of landscaping, the agent has stated the front aspect of the site will retain the hawthorn hedging and this will be supplemented where necessary. Five self-seeded ash trees will be removed and each property will have a fruit tree within the front garden area. Conifer hedging to the rear is to be removed. The retention of the hedging is welcomed and a final planting scheme can be agreed by conditioned.
- 5.16 It is considered the proposed dwellings, given the siting within the plots and the retention of the hedging, would not appear unduly dominant and the overall scale and design would fit in with the character and appearance of the area.
- 5.17 It is also noted part of the site contains a redundant childrens nursery building which does not provide an attractive feature within the area and also provides potential for anti-social behaviour. It is therefore acknowledged the existing site does not provide a good contribution to the visual appearance of the area and redevelopment would improve the overall appearance of the site. No mechanism has been proposed by the applicant to secure the early implementation of the scheme that could address the adverse impacts of the partially derelict site.

#### Highway issues

- 5.18 The original scheme took access from Stockton Road for all five dwellings through the use of the three existing access points. The revised scheme alters that as plots 1&2 will share an access from Stockton Road, as will plots 3&4. Plot 5 will gain access from the rear off Stoneybrough Lane and there will also be a garage to the rear.
- 5.19 The Local Highway Authority have not yet provided comment on the revised scheme but did not have any objections to the original scheme. The site layout appears to show the dwellings have sufficient parking and the layout provides turning areas.
- 5.20 Concern has been raised by neighbouring residents regarding the use of the rear access, stating there will be a highway safety concern and parking problems. The plans show a garage space and further parking area which appears to provide sufficient space for parking. It is also noted the access comes off a low speed road and will only serve one dwelling.
- 5.21 It is noted there is a telegraph pole present in this area. It is understood this pole is redundant and has no lines attached to it, the removal therefore is not considered to be an issue.
- 5.22 Subject to confirmation being received from the Local Highway Authority, it is considered the proposal is acceptable in highway terms.

#### Residential Amenity

- 5.23 Policy DP1 stipulates that all development proposals must adequately protect amenity. Neighbouring properties have raised concerns on terms of the potential for overlooking and overshadowing.

- 5.24 The site is surrounded on three sides by residential properties. To the north is “Serendipity”, plot 1 is located closest to this property and only contains a small secondary window at ground floor level in the side elevation, it is therefore considered the potential for direct overlooking is limited. This plot is also located roughly in line with the neighbouring property and although being higher than the property at Serendipity there will not be a significant overshadowing or overbearing impact.
- 5.25 To the south is “The Beeches”, plot 5 is located closest to this property and only contains a small secondary window at ground floor level in the side elevation, it is therefore considered the potential for direct overlooking is limited. This plot is also located roughly in line with the neighbouring property and although being higher than the property at The Beeches there will not be a significant overshadowing or overbearing impact.
- 5.26 To the east are properties along Stoneybrough Lane, residents have raised concern over the impact on the privacy of properties to the rear of the site, particularly from the dormer windows/third floor. The initial plans did contain Juliet balconies to some of the dwellings but these have been removed. Whilst the concerns are acknowledged the dwellings all have long rear gardens, the minimum set back from the rear boundary is approximately 16.5m with the neighbouring properties being set in again from the boundary. All the properties meet the commonly referred to “21m back to back” distance. The side of No.14 Stoneybrough Lane faces the site and only requires a lower separation distance however this is still around the 21m distance. There is some conifer hedging planting along the rear boundary that is to be removed, despite the required distance being met additional planting could be provided along this boundary if considered necessary to provide screening to reduce actual or perceived overlooking.

#### Drainage

- 5.27 The proposed development is in an area of low flood risk as assessed by the Environment Agency (flood zone 1), there is no susceptibility to surface water flood risk as assessed by the Environment Agency. The submitted details state the surface water will be disposed of via soakaways and the foul drainage will be discharged to the public foul sewer. Yorkshire Water has not provided comments on the scheme however there is nothing to suggest the drainage options proposed would not be acceptable and should the application be approved the details can be controlled by condition.

#### Residual Matters

- 5.28 Comments have been received relating to the applicant not owning the entire application site, following discussion with the applicant it has been confirmed they do own the entire site. It is also noted the current red line on the location plan does not include the rear access and garage area for plot 5, a revised plan has been requested. Part of the site has also been used as an informal footpath over the years, whilst this is acknowledged there is no designated public right of way on the site.
- 5.29 The applicant has stated the development of this site will facilitate the redevelopment of a site on Long Street which is also under the same ownership. Whilst this may be the case there has been no information submitted to evidence this or a mechanism to secure the redevelopment of the Long Street site. The redevelopment of the site at 91 Long Street, as per the planning approval 17/02037/FUL, would be welcomed however it is not clear why the development of 5 large dwellings at this site is required to facilitate this and there is also nothing to show that a scheme of 5 dwellings with a mix of sizes compliant with policy DP13 would not help in the same

way. It is therefore considered this issue is not something that can be taken to work in favour of the proposal.

### Planning Balance

- 5.30 The proposal would provide a small economic gain through the construction and subsequent occupation of 5 dwellings (4 additional), there would be some environmental improvement in terms of improving the overall appearance of the site however these gains would be achieved by construction of dwellings that do not meet the requirements of LDF Policy DP13. Overall, it is considered the benefits of the scheme do not outweigh the negative impact of allowing a development that does not provide a mix of dwellings to meet the identified need within the district.

## **6.0 Recommendation**

That subject to any outstanding consultations and submission of an amended location plan the application be **REFUSED** for the following reasons(s);

The reasons are:-

1. The proposal comprises of five detached dwellings all with 5-bedrooms. The locally expressed housing needs in the SHMA identifies a need for 2 and 3 bedroom dwellings and single storey dwellings across the District to meet local needs. No evidence has been supplied to demonstrate how the proposal for exclusively larger homes can outweigh the provisions of the Hambleton Local Development Framework Policy DP13 (Achieving and Maintaining the Right Mix of Housing).