

Parish: Thirsk
Ward: Thirsk
16

Committee Date: 5 January 2017
Officer dealing: Mr T J Wood
Target Date: 12 January 2017

16/01575/FUL

Demolition of substation, office building and garage and construction of a terrace of a single storey dwelling and 4 two storey dwellings with vehicle parking together with modified verge crossing and associated works
At The Bungalow, Masonic Lane, Thirsk
For Mr I Stevenson

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is within the Thirsk and Sowerby Conservation Area, adjacent to the Scheduled Monument of Thirsk Castle. The property is bounded by Masonic Lane to the north, the access to The Bungalow, beyond which is a commercial building. To the south on the higher land is The Bungalow and the open ground of the Castle garth, the Scheduled Monument. To the west is the yard to the telephone exchange and telecommunications mast.
- 1.2 At the eastern end of the site a pedestrian access and staircase to The Bungalow is to be rebuilt in the position of the existing staircase.
- 1.3 The proposal seeks full planning permission for the demolition of the existing office building, disused electricity substation building and domestic garage and the replacement of these structures with five new dwellings. Each of the five dwellings is proposed to be a two-bedroom open market unit. Plot 1 would be single storey and plots 2 – 5 would be two storey. Block paved parking spaces would be provided for each dwelling together with stone flag paths on land behind a low brick wall that is to be built behind a widened footway.
- 1.4 The existing two-storey office building and the modern domestic single garage building and a redundant electricity substation are all proposed to be demolished.

2.0 RELEVANT PLANING AND ENFORCEMENT HISTORY

- 2.1 15/02259/FUL - Residential development of six semi-detached and one detached dwelling; Refused 3 March 2016. The reasons for refusal related to the harm to the Conservation Area, Scheduled Monument and the loss of an Ash tree.
- 2.2 An application for refurbishment of The Bungalow was granted on 19 July 2016.
- 2.3 At the time of submission this application was for "*Demolition of substation, office building and garage and construction of 2 detached single storey dwellings with vehicle parking together with modified verge crossing and associated works.*" Following discussion with the applicant and Historic England the revised details have been prepared showing the new arrangement of a terrace of five dwellings.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP8 - Type, size and tenure of housing
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP18 - Prudent use of natural resources
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP10 - Form and character of settlements
Development Policies DP28 - Conservation
Development Policies DP32 - General design
National Planning Practice Guidance
Conservation Area Appraisal Thirsk and Sowerby Supplementary Planning Document - adopted 21 December 2010

4.0 CONSULTATION

- 4.1 Thirsk Town Council – Wish to see the application approved. There is some concern that if the buildings are allowed on the top of the motte, which is described as the most important part of the site, this could lead to a presumption on the part of developers that the whole of Castlegarth could be built on.
- 4.2 Highway Authority – raised concerns regarding the width of parking spaces. Final recommendation awaited following the receipt of amended plans.
- 4.3 Historic England - The site lies partly within Scheduled Monument of Thirsk Castle. The impact of the proposed development on the archaeology of the castle is outweighed by the enhancement of the Conservation Area and streetscape of Thirsk, and the positive contribution that the development could make to local character and distinctiveness. The impact on archaeological deposits can be mitigated through archaeological condition to ensure an appropriate level of archaeological recording.
- 4.4 Ancient Monument Society – No response.
- 4.5 Environmental Health Scientific Officer – The phase 1 ground investigation work is acceptable and recommends a condition until further assessment work and report has been undertaken and approved by the Council.
- 4.6 Public comment – no comments received.

5.0 OBSERVATIONS

- 5.1 There are eight important issues to be considered in this application and the details of these are itemised and addressed in the remainder of this report. They are: (i) the principle of development; (ii) the impact on heritage assets and archaeology; (iii) dwelling size, type and tenure; (iv) pedestrian access; (v) infrastructure, including drainage; (vi) parking provision; (vii) design; and (viii) impact on amenity.

Principle

- 5.2 The site lies in a central location in the market town of Thirsk close to a wide range of services and facilities. The site is within the Development Limits of the town and is considered within the settlement hierarchy of CP4 as a sustainable location for additional residential development.

Heritage assets

- 5.3 The site is entirely within the Thirsk and Sowerby Conservation Area. The Thirsk and Sowerby Conservation Appraisal sets out that many of the buildings surrounding Castle Garth could present good opportunities for redevelopment that would enhance

the setting of this historic space and proposals must be carefully handled to enhance the surroundings to the Castle Garth. This site is not an identified in this way however, the adjoining telephone exchange is so identified.

- 5.4 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 133 and 134 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.
- 5.5 In assessing the proposal considerable importance and weight has been given to the desirability of preserving and enhance the character and appearance of the heritage asset in assessing the proposal.
- 5.6 It is considered that the design approach that has been taken is respectful of the character and appearance of the Conservation Area. The removal of the modern domestic garage, office building and reduction in the height of the wall to the BT compound that is considered to harm the appearance of the Conservation Area are factors that weigh in favour of the application. Added to this benefit the development proposal is appropriate to the scale and local vernacular and would contribute to the quality of Conservation Area.
- 5.7 As noted above part of the site is within the Scheduled Monument. The single storey dwelling, unit 1, would be within the Scheduled Monument, as would part of unit 2. Units 3 to 5 would be outside the scheduled area. The gardens would all be within the Scheduled Monument. Any work that is required to be undertaken within the Scheduled Monument either as a consequence of this application or subsequent garden works will require Scheduled Monument Consent.

Size type and tenure

- 5.8 The proposed dwellings are two-bedroom units all of a size that exceed the minimum sizes set in the Nationally Described Space Standards. The provision of a single storey dwelling provides a range of property types, and also provides for residential amenity of The Bungalow by avoiding creating an overbearing impact upon the existing dwelling and respects the scale of other dwellings on the opposite side of Masonic Lane. The dwellings are all proposed to be made available as market housing.

Pedestrian access

- 5.9 The site currently has a footway of restricted width due to the position of the existing redundant electrical sub-station building. The removal of the electricity substation at the western end of the site frontage allows for a widening of the footway to 1.8m across the whole site frontage. The frontage path links on to the network of paths that cross the scheduled monument, to the town centre and recreation facilities.

Infrastructure

- 5.10 Masonic Lane is a one-way road across the site frontage (flow east to west). The site access points achieve visibility to the footway and road to the standard required by the Manual for Streets. The site is adjacent to a telecommunication hub and an electricity substation, drainage is available and previously mentioned facilities are in walking distance accordingly the site is well served by the necessary infrastructure for residential development.

Parking

- 5.11 Parking provision is made within the site to meet the basic needs for convenient access and residents use commensurate with a town centre location. The parking space also achieves turning space that allows access to and from the highway in a forward gear. Following amendment the parking layout achieves space to overcome the concerns raised by the Highway Authority reported at paragraph 4.2 above.

Design

- 5.12 The design of the dwellings is heavily influenced by the scale and detailing of the dwellings that were formed by conversion of buildings on the north side of Masonic Lane. This design approach has ensured that the building design follows local traditions and is of a scale that respects the setting. The proposed use of brick, tile and timber window and door frames is appropriate to the Conservation Area setting. The boundary treatments of brick with rounded coping similarly follows the example of other boundaries on Masonic Lane and is an appropriate detailing for the new dwellings to define the boundary to the private defensible space to the north of the dwellings.
- 5.13 To the south of the proposed dwellings is the open grassy space of that has laid undisturbed (seemingly for centuries) since the demolition of Thirsk Castle in 1176. The use of the space for gardens makes appropriate use of the open land and allows for the protection of the protected tree without threat of disturbance.

Amenity

- 5.14 The amenity space proposed to be formed to the south of the buildings is of sufficient size to meet the reasonable needs of residents. Bin storage is proposed to be within spaces on the north side in spaces concealed from public view by structures and in the case of plot 3 by building a storage space in the frontage of the building.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development including ground coverings have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
 3. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development including alteration to and provision of boundary walls. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
 4. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings 1457/10F (Proposed site layout and location plan)

received by Hambleton District Council on 16 December 20016 and drawings 1457/25 (floor plan), 26 (rear elevation), 27 (front elevation) received 14 November 2016 unless otherwise approved in writing by the Local Planning Authority.

5. Before the occupation of any dwelling the boundary wall shown on drawing 1457/10F shall be completed and shall thereafter be retained in accordance with the approved details.
6. The site shall be laid out to achieve footway widening across the site frontage as shown on drawings 1457/10F.
7. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until visibility splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the major road have been provided. The eye height will be 1.05 metre and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
8. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing Reference 1457/10F and made available for use. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
9. No dwelling shall be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details that have previously been submitted to and approved in writing by the Local Planning Authority. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority and no additional wall, fences or other means of enclosure shall be constructed or installed without the written approval of the Local Planning Authority.
10. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.
11. Bin storage spaces shall be provided in accordance with the details shown on drawing 1457/10F
12. (A) No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and: (i) the programme and methodology of site investigation and recording; (ii) community involvement and/or outreach proposals; (iii) the programme for post investigation assessment; (iv) provision to be made for analysis of the site investigation and recording; (v) provision to be made for publication and dissemination of the analysis and records of the site investigation; (vi) provision to be made for archive deposition of the analysis and records of the site investigation; and (vii) nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

(B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under part (A).

(C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under part (A) and the provision

made for analysis, publication and dissemination of results and archive deposition has been secured.

The reasons 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. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.
4. 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 Policies CP1, CP16, CP17, DP28 and DP32.
5. To ensure that an appropriate means of enclosure is provided to the site to separate the land from the footway and to provide an appropriate definition to the site in keeping with the character and appearance of the Conservation Area in accordance with Local Development Framework Policies CP1, CP16, CP17, DP28 and DP32
6. To provide a suitable footway access to the property in the interests of pedestrian and highway safety in accordance with Local Development Framework Policies CP1.
7. In accordance with Policy CP1 and the interests of road safety to provide drivers of vehicles using the access and other users of the public highway with adequate inter-visibility commensurate with the traffic flows and road conditions.
8. In accordance with Policy CP1 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
9. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in the Conservation Area
10. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Local Development Framework Policies CP1 and DP1.
11. To ensure adequate bin storage areas are provided to meet the needs of residents without harm to the appearance of the Conservation Area and streetscene in accordance with the LDF Policy CP16 and CP17.
12. This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest.

Informatives

1. No work within the Scheduled Monument shall be undertaken in pursuit of this decision or subsequently unless the appropriate consent has been obtained for the works.

2. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste
1 x 240 litre green wheeled bin for garden waste
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from its own Neighbourhood Services.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977.