

**Parish: Sowerby**  
Ward: Sowerby & Topcliffe

Committee date: 17 August 2017  
Officer dealing: Laura Chambers

**11**

**16/01139/FUL**

**Demolition of former abattoir buildings and construction of a terrace of 4, three bedroom dwellings to include access, parking, landscaping, gardens and boundary treatment**

**At H Lee and Son, Chapel Street, Thirsk**

**For Mr A Abbott**

**This application is referred to Planning Committee at the request of Councillor Bardon**

## **1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The application site is a former abattoir on the south side of Chapel Street, to the north of the Thirsk and Sowerby Leisure Centre. It is a collection of single storey buildings principally constructed of painted brickwork with clay pantile roofs but after being variously altered some parts of the buildings include the use of concrete blockwork and corrugated sheeting. There is a 2m brick boundary wall with coping to the perimeter of the site.
- 1.2 The site is within the Thirsk and Sowerby Conservation Area and forms part of the former curtilage of the adjacent furniture workshop at 18-20 Chapel Street, which is Grade II listed. Although now separated in title, the two sites were previously the stable block and dovecot of The Three Tuns Hotel, also Grade II listed. The area comprises a mixture of uses with commercial properties alongside a number of residential properties, some being conversions others being recently constructed infill developments.
- 1.3 Permission is sought to demolish the existing buildings on the site and construct a terrace of four three-bedroom dwellings, each with accommodation on three floors including an upper floor within the roof space, with roof lights to the front and dormer windows to the rear. One parking space per dwelling is proposed to the front of the site, with access taken from Chapel Street. The boundary wall to the west and south of the site would be reduced in height to 1.5m and capped with copings. Private gardens to the rear would be defined by timber fences.
- 1.4 Improvements have been secured as follows: access and parking arrangements have been revised following the advice of the Highway Authority and a Heritage Statement and associated application for listed building consent have been submitted.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 17/00894/LBC – Listed Building Consent for the demolition of former abattoir buildings and construction of four three bedroom dwellinghouses to include access, parking, landscaping and means of enclosure; Pending consideration.
- 2.2 17/00150/CAT3 – Alleged change of use from an Abattoir (sui-generis) to a place for the storage of building materials (B8); Investigation ongoing.

### **3.0 RELEVANT PLANNING POLICIES**

3.1 The relevant policies are:

Core Policy CP1 – Sustainable Development  
Core Policy CP2 – Access  
Core Policy CP4 – Settlement Hierarchy  
Core Policy CP7 – Phasing of Housing  
Core Policy CP8 – Type, Size and Tenure of Housing  
Core Policy CP9 & CP9A – Affordable Housing  
Core Policy CP12 – Priorities for Employment Development  
Core Policy CP13 – Market Town Regeneration  
Core Policy CP16 – Protecting and Enhancing Natural and Man-made Assets  
Core Policy CP17 – Promoting High Quality Design  
Development Policy DP1 – Protecting Amenity  
Development Policy DP3 – Site Accessibility  
Development Policy DP4 – Access for All  
Development Policy DP8 – Development Limits  
Development Policy DP10 – Form and Character of Settlements  
Development Policy DP12 – Delivering Housing on Brownfield Land  
Development Policy DP15 – Promoting and Maintaining Affordable Housing  
Development Policy DP17 – Retention of Employment Sites  
Development Policy DP19 – Specific Measures to Assist Market Town Regeneration  
Development Policy DP28 – Conservation  
Development Policy DP32 – General Design  
National Planning Policy Framework

### **4.0 CONSULTATIONS**

- 4.1 Parish Council – Wishes to see the application approved.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Environmental Health Officer – No objection subject to condition.
- 4.4 Yorkshire Water – No comments received.
- 4.5 Environment Agency – No objection.
- 4.6 The Ramblers Association – No objection.
- 4.7 The Ancient Monuments Society – Objects. Overall, the Heritage Statement falls short of the standard we would expect to see for a report of this type. There is no detailed assessment of the significance of the various buildings which make up the site and the applicant does not appear to have employed a specialist historic building consultant to produce the report.

On the basis of the evidence produced to date, we do not believe that the demolition of the historic buildings has been justified, and Paragraph 133 of the National Planning Policy Framework (NPPF) therefore applies

- 4.8 Yorkshire Wildlife Trust – No objection subject to conditions.
- 4.9 The Council for British Archaeology – No comments received.
- 4.10 Public comments – Three objections have been received, as summarised below:
- Loss of light;

- Increase in traffic congestion;
- Loss of view;
- Loss of property value; and
- The design is out of keeping with the area.

## 5.0 OBSERVATIONS

5.1 The proposed development of houses within the development limits of a market town is acceptable in principle, subject to an assessment of other policy considerations.

5.2 The main issues to consider are: (i) the impact on heritage assets; (ii) loss of employment land; (iii) design; (iv) access and parking; and (v) residential amenity.

### Heritage assets

5.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the same Act requires the Council to consider the desirability of preserving or enhancing that character and appearance of the Thirsk and Sowerby Conservation Area in determining the application.

5.4 When originally submitted in May 2016, the application did not include a heritage statement, despite the fact that it proposes demolition within a conservation area and in close proximity to a listed building, The Old Coach House, formerly stable block and dovecote of The Three Tuns Hotel. Officers undertook an inspection of the site and formed the view that parts of the building proposed for demolition (the areas annotated as “slaughter house” and “processing” on drawing 3714-PD-05) were probably part of the listed building. That was not a final view but it was offered to help the agent address the relevant conservation issues in their heritage statement. Officers also asked for the statement to address the following:

- How the heritage value of the existing buildings within site had been considered;
- A detailed justification for the proposed demolition, including a structural survey and an explanation of why conversion is not considered to be a suitable option; and
- An assessment of the former use and layout of the site and how the redevelopment would affect any features of significance.

5.5 The agent queried the need for this work on the basis that the application site and The Old Coach House are in separate title and were in separate title when the listing was made in June 1984. Officers explained that ownership cannot be the only factor in determining the status of the building and that architectural cohesion and historic association may be of greater weight.

5.6 The listing description for The Old Coach House is not definitive; older listing descriptions do not mark the outline of the building and are compiled to aid identification and therefore generally focus on elevations in public view. Features may not be mentioned but that does not mean they are excluded from the listing. The simple test is “Does it appear to be part of the building?” Relevant advice from Historic England states:

“Around 97% of England's Listed Buildings have List Entries that pre-date 2004. Some have not been updated for over 40 years. These older List Entries were brief and only intended to aid the identification of the listed

property. They did not identify the reason for the designation, nor indicate what was included in the designation. Often List Entries only describe the front elevation, and yet legally, the designation typically extends to the entire property. This can include extensions, outbuildings and other structures within the curtilage of the building described.”

- 5.7 Separation of title does not preclude the existence of a single building for listing purposes, so the agent was also advised that Historic England offers “Enhanced Advisory Services” to provide clarity on what is listed and what is not, although this option does not appear to have been considered.
- 5.8 In the Heritage Statement, submitted May 2017, the agent concedes that part of the building proposed for demolition “appears to be referred to in the listing for the adjacent stable building & dovecote ... as ‘single storey brick wing to rear colour washed’”. Whilst the applicant disputes the listing, the agent notes they have no evidence to prove the status one way or another.
- 5.9 The Heritage Statement relies upon the advice of a structural engineer from July 2016. This states “All the buildings are suffering extensive structural defects, with the main slaughterhouse and processing building suffering structural movement with signs of significant cracking on both the rear eaves elevation and right hand gable elevation with the floor slab internally showing significant movement cracking. Furthermore, many of the roofs have limited flashings where they abut the adjacent properties leading to significant water ingress and rot of internal timbers.” The structural engineer recommended that the buildings are demolished and replaced with “new structures built in accordance with current Building Regulations”. However, it is not known whether the structural engineer was aware that the building might be significant, either in its own right as part of the listed building or in terms of its role within the historic pattern of buildings between the Market Place and Chapel Street. Nor is it known whether the faults described prevent retention and re-use.
- 5.10 Considering all of the above it is felt that the case for demolition has not been conclusively made. Apart from the loss of historic fabric, the heritage impact of the proposal must be considered in terms of the quality of the proposed replacement buildings. Architecturally the terrace of four dwellings is simple, reflecting the utilitarian nature and unadorned nature of nearby buildings on Chapel Street. The terrace follows the prevailing east-west alignment of buildings fronting Chapel Street and would not challenge the adjacent listed building in terms of scale. However, the set-back required to provide off-road uncovered parking means the development would not follow the prevailing pattern. On balance it is considered that an opportunity to create something distinctive, reflecting the grain of development and the historic relationship between Chapel Street and the Market Place, e.g. simpler buildings on the former appearing subsidiary and subservient to grander buildings, such as The Golden Fleece and The Three Tuns, on the former has not been taken.
- 5.11 The Ancient Monument Society object to the application as the submitted Heritage Statement falls short of the standard expected in that a detailed assessment of the significance of the buildings both on the site and adjacent to it has not been made and as such justification for the demolition of buildings has not been made. There is no suggestion that this objection stems from a desire to prevent demolition per se, but rather than a more robust approach is necessary to ensure harm is not caused. It would be reasonable to assert that justification may be possible, particularly if a sensitive scheme for redevelopment were proposed that reflects the existing significance of the site – i.e. its layout and form.

- 5.12 Given the limited justification for the proposal within the Heritage Statement and the Planning Statement there is considered to be a risk that the development would lead to substantial harm to heritage assets. That harm would be the significant alteration to the scale and location of buildings on the site to the detriment of the setting of the listed former stables and dovecot to which the buildings have some relation.
- 5.13 Paragraph 133 of the NPPF states that where substantial harm would be caused to a heritage asset or that asset would be lost, permission should be refused unless it can be demonstrated that substantial public benefits outweigh that harm or loss or if 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.
- 5.14 There is an absence of evidence to demonstrate that the exceptions above have been met through the option of retaining at least some of the existing buildings and there insufficient information on whether other options for development that might be more appropriate to the historic setting were explored.

#### Loss of Employment Land

- 5.15 The site's most recent lawful planning use has been as an abattoir, it is alleged that more recently a storage use has commenced, however this does not benefit from planning permission. Regardless of that, the proposed residential development would result in the loss of an employment site. Policy DP17 seeks to safeguard employment uses unless an exception can be demonstrated.
- 5.16 Use as an abattoir would have the potential to create amenity problems for neighbouring occupiers, although no evidence of historic nuisance has been provided. However, that use ceased some time ago and there is no detail submitted as part of the application of efforts made to market the site for commercial purposes in order to demonstrate that a suitable or viable employment use cannot be found.
- 5.17 Despite the limited information submitted in this regard, on the balance of probability an abattoir use would be potentially disruptive to neighbours and its removal would therefore be beneficial to amenity. It would also be likely to reduce vehicle movements associated with the site, which the Highway Authority notes would be from an existing substandard access. The loss of an employment use would not therefore warrant refusal of the application.

#### Design

- 5.18 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."
- 5.19 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.

- 5.20 The National Planning Policy Framework Planning supports this approach and, at paragraph 64, 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. Paragraph 66 sets an expectation that applicants engage with the local community in drawing up the design of their schemes:

“Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.”

- 5.21 The Council’s Statement of Community Involvement, adopted in 2013, requires applications for major development or other proposals likely to have any significant impact to explain how public comments have influenced the chosen design.
- 5.22 The Statement describes the character of the surrounding area as being sandwiched between Thirsk Market Place and Thirsk and Sowerby Leisure Centre with properties between the Market Place and Chapel Street reflecting their historic relationship as service yards and passageways. Properties are described as broadly fronting the back of the highway. The statement notes that building lines and architectural form are key features of the area’s character.
- 5.23 No site features worthy of retention were identified, the supporting statements identify the buildings as structurally dilapidated and having been altered to such an extent their architectural value has been lost. The scheme proposes wholesale demolition and replacement with an entirely new form of development. The application suggests the redevelopment offers the opportunity to make a positive improvement to the area, to the benefit of the Conservation Area and adjacent listed building.
- 5.24 It is noted that the buildings are in a poor state of presentation and have been altered in ways that are not sympathetic to their appearance, that of the adjoining former stables and dovecot or the wider Conservation Area; however that in itself does not detract from the value the buildings hold in terms of their presence, built form and historic association. It is very apparent that the buildings are subservient ancillary structures that are both physically linked and viewed in association with the former stables and dovecot. They establish the immediate setting and curtilage of the principal building, irrespective of whether they have later been separated in terms of their ownership.
- 5.25 The proposed development is designed in such a way that it bears no relationship with the current built form of the site either in scale or position within the plot. That is not to say that the houses themselves are of an unattractive design that could not be accommodated within Chapel Street or that the existing buildings are of such historic architectural value that robust justification for demolition could not be made to allow for a suitable replacement. The value of the site lies in its relationship with those buildings around it, the buildings contribute to the significance of the principal listed building by demonstrating their former use and that of the wider area. It is possible that a redevelopment that reflected the existing built form could be feasible, however that does not appear to have been considered and has not been put forward.
- 5.26 The proposed dwellings would be set back from the highway, which is uncharacteristic of the immediate area, as identified in the supporting statements. While the proposed houses would be lower in height than the former stables and dovecote, they are not entirely subservient to them in the way the existing single storey buildings are.

- 5.27 It is evident from the supporting statements that no community consultation took place and no alternative forms of development have been considered.

#### Access and Parking

- 5.28 The originally submitted scheme included the introduction of vehicular access across the full frontage of the site in order to serve parking spaces, this arrangement would have created substandard visibility and as such the Highway Authority objected. The revised plans show access being formed to the west of the site, with appropriate visibility splays achieved.
- 5.29 Following re-consultation the Highway Authority has confirmed its concerns have been overcome and therefore it no longer objects, subject to standard conditions regarding the provision of access, turning and parking areas, and appropriate site management during construction.

#### Residential Amenity

- 5.30 Concerns have been raised regarding the potential impact of the proposed redevelopment on the amenity of adjacent occupiers. The buildings it is proposed to demolish sit alongside a public footpath, on the other side of which stand a building in commercial use and an end of terrace dwelling. The proposal would see the single storey buildings replaced by taller ones 9.1m in height.
- 5.31 The neighbouring property is two-storey with a single-storey offshoot, its rear elevation is north facing. There is approximately 3.5m between the offshoot and the rear elevation of the adjacent commercial building, increasing to 10m between the first floor of the dwelling and the neighbouring building. The existing boundary wall to the rear yard of the neighbouring dwelling is more than 2m in height. Given the existing arrangement of buildings and orientation of the building the proposal would have no impact on any ground floor windows.
- 5.32 There would be a measurable loss of light to the existing first floor window in the rear elevation of the neighbouring property arising from the increase in height of the proposed buildings. However, given the built-up nature of the area and its orientation, it is not considered this loss would be so significant in itself to warrant refusal.

### **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reasons:
1. Part of the buildings proposed for demolition is considered to be listed grade II and has historic significance and for this reason the development would cause substantial harm to a heritage asset. It has not been demonstrated that this part of the site could not be retained and re-used. Furthermore, the proposed form of development fails to reflect the character and appearance of this part of the Thirsk and Sowerby Conservation Area and the historic relationship between buildings on Market Place and Chapel Street. The proposed demolition and redevelopment would therefore fail to preserve the building and its features and would fail to preserve or enhance the character and appearance of the Thirsk and Sowerby Conservation Area, contrary to Hambleton Local Development Framework policies CP16 and DP28 and NPPF paragraph 133.