

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

Committee date: 17 August 2017  
Officer dealing: Laura Chambers

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**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**

**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. Although now separated in title, the two sites were previously the stable block and dovecot of The Three Tuns Hotel. 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 dwellings described in the report on application 16/01139/FUL. This application seeks listed building consent for the demolition.
- 1.4 Improvements have not been secured because the proposal is considered unacceptable on a point of principle

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

- 2.1 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; 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 CP16 – Protecting and Enhancing Natural and Man-made Assets  
Development Policy DP28 – Conservation  
National Planning Policy Framework

## **4.0 CONSULTATIONS**

- 4.1 Parish Council – Wishes to see approved.
- 4.2 Historic England – Does not need to be consulted.
- 4.3 The Council for British Archaeology – No comments received.
- 4.4 Public comments – One objection has been received regarding loss of light. (Officer note: this is material to the planning application, not the application for listed building consent.)

## **5.0 OBSERVATIONS**

- 5.1 Notwithstanding the description of development, which follows the description of the associated planning application, the sole issue to consider is the impact on heritage assets, primarily the grade II listed building.
- 5.2 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.
- 5.3 On assessment of the application it is considered that it 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 are attached (and to which it is considered part of the buildings relate in terms of historic association and listing).
- 5.4 The Ancient Monuments 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.
- 5.5 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.
- 5.6 There is insufficient evidence to conclude that the exceptions above have been met, in particular with this application in terms of retaining and re-using the existing building considered to be listed grade II.

## **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reasons:
1. The proposed demolition would be detrimental to the integrity of a listed building and insufficient evidence has been provided to demonstrate that the fabric of the listed building cannot be retained and re-used. As such the proposal is contrary to Hambleton Local Development Framework policies CP16 and DP28 and NPPF paragraph 133.