

Parish: Thirsk

Ward: Thirsk

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Committee date:

29th July 2021

Officer dealing:

Mr. M. Pearson

Target Date:

3rd June 2021

21/00911/FUL

Change of use of agricultural land, building and domestic garden to mixed use to allow for the creation of a sculpture park and gallery, along with the existing agricultural use for grazing of livestock and private garden

At: Thirsk Hall, Kirkgate, Thirsk

For: Mrs D. Bell

This application is referred to Planning Committee due to the scale and significance of the proposal.

1.0 Site, context and proposal

1.1 The site application site is located in the curtilage of the Grade II* Thirsk Hall in Thirsk. The hall itself is three storeys in height located on Kirkgate with its principal façade orientated east to face the highway set behind a small front garden area with driveway. To the rear (west) are substantial grounds that extend to Newsham Road, Cemetery Road and Masonic Lane. Officers consider the curtilage of the hall can be characterised as follows:

- To the south of the hall is a collection of outbuildings accessed via a driveway off Kirkgate. These buildings comprise of a variety of generally two storey functional buildings that served the estate including stables and a dovecote.
- Lawned area with footpaths and bedding areas immediately to the west and north-west of the hall defined by an L-shaped Ha-Ha that separates the more formal area gardens to the parkland beyond.
- To the west of the Ha-Ha is the grassed parkland. This is the largest area and comprised a grassed area with isolated mature trees that is defined by high brick walls to the west along Newsham Road to south-west along Masonic Lane. At the junction of Masonic Lane and Newsham Road is a gated entrance. This area of the parkland also contains belts of trees that restrict views into grounds from the public and height of the walls. These walls are considered to define the extent of the curtilage and are also considered to be curtilage listed.
- To the north-west of the hall, beyond the formal gardens is the former Kitchen garden. This is rectangular in shape and is defined by high brick walls and also includes an access track to the gated entrance on Cemetery Road. These walls are considered to be curtilage listed.
- To the west of the former kitchen garden are two paddock areas defined by high brick walls. All of the walled areas are linked via existing gated entrances. The smaller paddock (roughly square in shape) contains the former single storey stables located along the northern boundary, whilst the

larger paddock (roughly rectangular in shape) extends down to Newsham Road contains no structures. This is the part of the area subject to application. In south-west corner of the paddock is a short break in walled enclosure that allows for access into the parkland to the south. In the north-east corner is an existing gated entrance that provide access to the field enclosure to the north. These walls are considered to be curtilage listed.

- To the north of the two enclosed paddocks is a large rectangular field enclosure that is defined by hedgerows along Cemetery Road and Newsham Road. to the east along the garden boundaries of the properties on Church View. The southern boundary is defined by the brick walls of the paddocks to the south. The field enclosure has two breaks in the hedgerow, one at the junction of Cemetery/Newsham Road and the other along Cemetery Road. These gaps in the hedgerows afford views across the field enclosure, towards the high brick walls and other structures stables check. This fields provides the extent of the curtilage to hall and part of the field is included within the area subject to the application.

- 1.2 Within the curtilage are a number of other buildings and structures as noted below. Some of these buildings are individually listed whilst other due to their age (constructed pre-1948) and location within the curtilage of the hall are considered to be curtilage listed and thus afforded listed building protection:

Listed

- Wall to south of Thirsk Hall Grade II listed
- Wall to north of Thirsk Hall, extends along Cemetery Road Grade II listed
- Dovecot and outbuildings and the Stables are Grade II listed
- Thirsk Hall Cottages Grade II listed to the north

Curtilage listed

- Perimeter wall along Newsham Road and Masonic Lane
- L-shaped Ha-Ha
- Variety of walled enclosures
- Single storey stables

- 1.3 The application site also located in the Thirsk Conservation Area – Character Area 2 - Kirkgate and within the character appraisal the grounds to the rear of the hall are identified as a key open space and the frontages along Cemetery Road, Newsham Road and Masonic Lane are identified as important frontages and walls. In the wider vicinity there are a number of listed buildings on both sides of Kirkgate to the south-east of the hall and to the north is the Grade I listed Church of St Mary. Immediately to the south of Masonic Lane is the Thirsk Castle Scheduled Ancient Monument.

- 1.4 The immediate context is varied with residential properties on Church View and Cemetery Road to the north whilst to the south-east there some residential properties at Croft View and to the rear of west side of Kirkgate.

These are a variety of modern and historic buildings that are generally two storeys in height. Given the separation distance and intervening boundary wall these residential properties have no direct relationship to the application site. To the west is Thirsk Racecourse with its associated stables located opposite the application site and sports pitches with associated pavilions. To the south are a variety of commercial building located off Masonic Lane.

- 1.5 The proposal is for the creation of a sculpture park and associated gallery space within the grounds as illustrated on the submitted plans and excludes the field enclosure and walled enclosure to the north-west, the cottages to the north of the Hall, the majority of the buildings to the south of the hall and small area to south-east adjacent to Croft View. It was noted at the officer site visit that the sculptures are already in-situ and thus this element of the proposal is retrospective. The current sculptures vary in scale and type depended on their location. The sculptures located within or around the paths/planting beds are generally small scale items whilst those located in the parkland area a larger more monolithic type of items. The applicant has provided an indication of the scale parameters for any future sculptures with height restriction of no more than 6m tall and for any items that could be sited within the 20m of the perimeter walls these will no higher than 3m in height. Furthermore, the applicant has identified that that a restriction of no more than three sculpture per acre will be allowed. The current sculpture park element is located in the lawned areas to the north-west of the Hall and the parkland area to the west. However, the applicant is keen to utilise all the grounds situated within red line boundary as illustrated on the submitted plans. The proposal also includes the change of use of an outbuilding that is constructed in brick with pitched pantile roof located to the south of the Hall and external works to the west gable to replace the large modern metal door with a timber framed glazed entrance. This outbuilding is considered to be a curtilage listed structure and also the subject of a separate listed building consent application.
- 1.6 No parking is proposed to be provided as part of the application. The applicant is reliant on customers utilising the existing parking facilities within the centre of Thirsk. Pedestrian access will be via the existing gate to the north of Thirsk Hall on Kirkgate.
- 1.7 During the course of the application further information has been provided regarding the location of the sculptures, scale and height parameters and clarification on the foundation design.
- 1.8 This proposal is part of wider plans for the estate and the submitted design and access statement lists the following:
 - Glamping
 - Conversion of the old stables to create luxury holiday accommodation,
 - Outside events, such as Thirsk Live Pop Concert, Classical Music Festival, Drive through Cinema, Art & Antique car boot Sales, James Herriot event / Dog Show, Bonfire Night, Santas Grotto, Literary Festival, etc where local suppliers, such as catering vans, will be invited to attend,
 - A number of open garden days and Private House Tours during the year,
 - Promote Thirsk Hall as a destination for films and photoshoots,

- Use Thirsk Hall as a destination for wedding receptions, using local suppliers such as marquee companies, caterers, etc.,
- Large Barn converted as a gallery space to support the sculpture park but also as an events space moving forward (Literary Festival, Classical Music Concerts, Pop up Supper clubs with visiting chefs, life drawing, art fair)
- Outbuildings converted to offices for local businesses, Farm Shop, covered market, Yoga space (open to hire), Café
- Re-establish Kitchen Garden and 'pocket' garden centre in main stables with the aim to sell produce in the farm shop.

2.0 Relevant planning history

- 2.1 21/00912/LBC - Listed building consent for the creation of a sculpture park and gallery. Concurrent application - Pending consideration.
- 2.2 21/00501/FUL - Change of use of agricultural land to mixed use to allow for camping facilities, including up to 10 sleeping pods, temporary showers/wc's, access and parking, which would operate alongside the existing agricultural use for the grazing of livestock. Pending consideration.

3.0 Relevant planning policies

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
 Core Strategy Policy CP2 – Access
 Core Strategy Policy CP4 – Settlement Hierarchy
 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 Policy DP1 - Protecting amenity
 Development Policy DP3 - Site accessibility
 Development Policy DP4 - Access for all
 Development Policy DP16 – Specific measures to assist the economy and employment
 Development Policy DP28 - Conservation
 Development Policy DP30 - Protecting the character and appearance of the countryside
 Development Policy DP32 - General design
 Development Policies DP31 – Protecting natural resources: biodiversity/nature conservation
 Development Policy DP33 - Landscaping

Emerging Local Plan Policy
 Hambleton Local Plan Publication Draft July 2019
 Policy S 1 - Sustainable Development Principles
 Policy S 3 - Spatial Distribution
 Policy S 5 - Development in the Countryside
 Policy S 7 - The Historic Environment
 Policy E 1 - Design
 Policy E 2 - Amenity
 Policy E 3 - The Natural Environment

Policy E 5 - Development Affecting Heritage Assets
Policy E 7 - Hambleton's Landscapes
Policy CI 2 - Transport and Accessibility
Policy RM 3 - Surface Water and Drainage Management

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 at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990. The Hambleton Local Plan was considered at Examination in Public during Oct-Nov 2020. Further details are available at <https://www.hambleton.gov.uk/localplan/site/index.php> The Development Plan for Hambleton is the Local Development Framework and the emerging Local Plan is no more than a material consideration. 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 The application has been the subject of re-consultation exercise following the receipt of updated drawings.
- 4.2 Thirsk Town Council – No objection. Aware of the concerns and objections but considers that the benefits to Thirsk will outweigh any negative impact of the proposal.
- 4.3 NYCC Highways Authority – No comments received.
- 4.4 Yorkshire Water – No comments received.
- 4.5 Yorkshire Wildlife Trust – No comments received.
- 4.6 NYCC Heritage Services – No objection.
- 4.7 Historic England – No observations.
- 4.8 Ancient Monument Society – No response received.
- 4.9 Society Protection of Ancient Buildings – No response received.
- 4.10 Council for British Archaeology - No response received.
- 4.11 The Garden Society - We have no objection to the use of the grounds for exhibiting sculpture but would be concerned about intensive use in a later scheme which could change these areas drastically, compacting the ground, damaging the fine trees etc. It will all need to be well-managed and we advise a landscape management plan. We have not noted a plan for the grounds or a management plan which should form part of the application.
- 4.12 Natural England – No observations.
- 4.13 Environmental Health – No objection.

4.14 Site Notice expired on 19.5.2021 and Neighbour Consultation period expired on 19.5.2021 – 4 objections have been received as summarised below:

- Impact on the character of the conservation area – identified as a key open space within the character appraisal.
- Noise and disturbance together with loss of privacy for occupiers of the surrounding residential properties at Castleyard Stables and Croft View – no noise survey provided.
- Concern about the increase in traffic.
- Concern about the use and capacity of local parking facilities on market days and when the racecourse is in use.
- Impact on wildlife – no survey provided.
- Loss of house value
- Concern about impact of future expansion plans.

There has also been 10 observations in support as summarised below:

- Similar to The Yorkshire Sculpture Park and whilst Thirsk Hall's grounds are smaller in size the ambition for this project is both admirable and achievable.
- It would be a great seasonal local outdoor beauty spot and could serve as a destination to visitors from across Yorkshire.
- Would make very good use of the beautiful grounds at Thirsk Hall,
- Would add to the local area's various existing arts, culture and heritage venues and in so doing generate further tourist interest in Thirsk and the surrounding area.
- Towns need to reinvent themselves and the development of the Thirsk Hall park as an arts venue will attract an up market clientele and increase visitor spend in the town.

5.0 Analysis

5.1 The main issues to consider are: (i) the principle of development; (ii) impact the curtilage listed building and impact on the setting of the listed buildings (iii) the impact on the Thirsk and Sowerby Conservation Area; (iv) archaeology: (v) ecology: (vi) residential amenity and (vii) highway safety

i) Principle of Development

5.2 The application site is located beyond the identified development limits within the Local Development Framework and therefore a proposal for a tourist function is welcomed and supported by Local Development Framework Policies CP4 and DP16. The proposal is located in close proximity to the centre of Thirsk and as noted by the public observations in support of the application, the additional tourist facility is likely to be of benefit to local

retailers and other tourist attractions in and around Thirsk. The proposed change of use of part of the outbuilding is considered to be acceptable. On the basis of the above the proposal is considered to satisfy the requirements of Local Development Framework Policies CP4 and DP16. With regard to the emerging Local Plan the proposal is considered to satisfy the requirements of policies S5 and EG8.

ii) Listed buildings

- 5.3 The proposal is located within the curtilage of the Grade II* listed Thirsk Hall and within the setting of numerous outbuildings together with St Mary's Church on Kirkgate. There are listed outbuildings and structures within the grounds at Thirsk Hall that are not affected by the proposal due to their location, function, separation distance and relationship. The assessment of the impact of the application upon heritage assets is limited to those upon which there is a direct impact, these are the settings of: The Hall, the curtilage listed walls and the Ha-Ha. The detailed assessment of changes to the buildings are within the concurrent listed building application.
- 5.4 With regard to the potential impact on Thirsk Hall the application site is located in the grounds to the rear of the hall and thus given orientation and separation distance and intervening walls and trees the proposal is not considered to impact upon the principal façade in views from Kirkgate. In terms of the rear façade the hall has been designed to overlook formal gardens and wider parkland. With regard to the impact of the proposals on the setting it is considered that whilst the sculptures will be visible from the rear elevation of the hall their scale and massing will not impact on views from the hall and to an extent are not dissimilar from statues one might expect to see in such locations.
- 5.5 With regard to public views of the rear façade of Thirsk Hall from Newsham Road Masonic are generally restricted by the high brick wall and the belts of trees. It is possible that in some views the upper level of the structures may be visible depending on their siting within parkland. However, this is not considered to impact on any designed views towards the hall.
- 5.6 There are also a number of other listed buildings within the curtilage of the Hall: Wall to south of Thirsk Hall; Wall to north of Thirsk Hall; Dovecot and outbuildings and the Stables and Thirsk Hall Cottages. However, given their location and relationship to the application site, the separation distance and intervening walls and landscaping these listed buildings are not considered to be impacted by the proposal. With regard to the impact on the setting of curtilage structures the following paragraphs assess this issue.
- 5.7 The upper levels of some sculptures may be visible from Newsham Road or Masonic Lane, however, given their scale and massing the proposal is not considered to impact on the setting of the curtilage listed structures.
- 5.8 The single storey stables are not located in close proximity to the application site and would be screened by curtilage wall. On this basis the proposal is not considered to impact on the setting of the former stables.

- 5.9 The Ha-Ha provides the separation between the formal garden and parkland. The proposals would provide sculptures in close proximity but given their scale and massing it is not considered to be impacted by the proposal.
- 5.10 The application site also falls within the wider setting of Church of St Mary which is located on Kirkgate. No views are possible from within the elevated grounds of the church to the application site due the high walls, buildings and trees. However, it is noted that glimpsed views to the upper levels of the church tower are possible across the application site from Newsham Road. Whilst views are possible, these are not designed views and are not considered to be important views. Nevertheless, it is possible that a sculpture may interrupt a glimpsed view towards the church tower. This change in the appreciation of the view towards the church tower is not considered to impact on the setting of the designated heritage asset. In addition, given the relationship to the site, the separation distance and intervening, buildings and landscaping it is not considered the proposal will impact on the other listed buildings located on Kirkgate.
- 5.11 On the basis of the above the proposed development is not considered to impact on setting of the identified heritage assets within the curtilage of Thirsk Hall, it will not any impact on the setting of any of the identified curtilage listed structures within the curtilage of Thirsk Hall and will not impact on the setting of any of the identified listed buildings that surround the application site. Therefore, the proposal would satisfy LDF policies CP16 and DP28. In terms of the emerging Local Plan the proposal would satisfy Policy E5.

iii) Conservation area

- 5.12 With regard to the impact on this part of the Thirsk Conservation Area are similar to issues raised relating to the listed buildings noted above. The proposed sculpture park within an area identified as a key open space is not considered to impact on the overall character of this part of this part of the conservation area. It is noted that the application site is located adjacent to lit public highways and is opposite the racecourse and ancillary sports pavilions that all bring a certain level of existing activity to the character of the area. The proposed sculptures are to be located within the grounds of the hall where the perimeter wall and tree belts provides a degree of screening from public views along Newsham Road and Masonic Lane. Where views could be possible only the upper levels of the sculpture would be visible. Therefore, the visual impact of the proposal is considered to be minimal and would not impact on the character of this part of the designated area.
- 5.13 On the basis of the above it is considered that the proposal would not impact on the character or appearance of this part of the conservation area and will therefore satisfy LDF policies CP16 and DP28. In terms of the emerging Local Plan the proposal would satisfy Policy E5.

iv) Archaeology

- 5.14 NYCC Heritage services have been consulted on the application raises no objection and does not recommend any conditions given the limited interventions. Whilst the application site is located in the wider setting of the Thirsk Castle Scheduled Ancient Monument, given the relationship to the site,

the separation distance and intervening, buildings and landscaping it is not considered the proposal will impact on this designated heritage asset. On the basis of the above it is considered that the proposal would satisfy LDF policies CP16 and DP28. In terms of the emerging Local Plan the proposal would satisfy Policy E5.

v) Ecology

- 5.15 It is noted a number of public observations relates to the potential impact on wildlife. The Yorkshire Wildlife Trust has been consulted on the application and has not provided any formal response to the application. However, the Trust has suggested informally that they would expect to see an ecology assessment and is noted that a number of public observations have been made regarding impact on wildlife. However, given the existing use of the application site is for grazing sheep on grassland officers do not consider the proposal raises any concerns in this regard and it would not be proportionate to request an ecology survey for this application. On the basis of the above it is considered that the proposal would satisfy LDF policies CP16 and DP31. In terms of the emerging Local Plan the proposal would satisfy Policies HG5, E3 and E7.

vi) Residential Amenity

- 5.16 There are residential properties to the north at Church View/Cemetery Road and to the south-east at Croft View and to the rear of west side of Kirkgate. It is noted that the residents at around Croft have submitted observations regarding the impact of the proposal on residential amenity with concern regarding noise and disturbance from proposal together with increased traffic and footfall. It is noted that that proposal does not provide any pedestrian or vehicle entrance points in the Croft View and thus does not raise any concerns regarding vehicle movements or footfall. With regard to the issues regarding noise and disturbance from the proposal it is noted that the Environmental Health team raises no objection to the proposal. On the basis of the above, it is considered that the proposals do not raise any amenity concerns to the surrounding properties and would therefore protect amenity in accordance with LDF Policy DP1. In terms of the emerging Local Plan the proposal is considered to satisfy Policies E1 and E2.

Highway Safety

- 5.17 The proposal does not provide any parking and it is noted NYCC Highways have been consulted but has not provided a response. It is noted that the application will rely on visitors to use public car parks within the centre of Thirsk. Whilst concern has been raised regarding the capacity of the car parks on race days and market day, the anticipated number of visitors of around 10 per day is not considered to raise any issues in this regard. On this basis the proposal would satisfy requirements of LDF Policies DP3 and DP4. In terms of the emerging Local Plan the proposal would satisfy Policies CI 1 or CI 2.

Other Matters

- 5.18 An observation has been received regarding the potential loss of house value for surrounding properties. This is not a planning matter that can be taken into consideration during the determination of the application.
- 5.19 A number of observations refer to the potential impact of the plans for the expansion of wider estate as noted in paragraph 1.7 above. Officers can only assess the submitted application and cannot determine an application upon the basis of future expansion plans that may not materialise. In any event planning permission would be required for any further proposals and therefore the potential for cumulative impact or intensification of use of the grounds can be assessed accordingly in due course.

Planning Balance

- 5.20 The proposed development is considered to preserve the setting of the identified designated heritage assets (including curtilage structures) and would preserve the character and appearance of this part of the Thirsk and Sowerby Conservation Area. It therefore satisfies the requirements of s.66 and s.72 Planning (Listed Buildings and Conservation Areas) Act 1990. Furthermore, as no harm to the significance of the designated heritage assets has been identified, the requirements of paragraphs 195 and 196 of the NPPF are not engaged on this occasion. In addition it is noted that the proposal would provide some economic gain through the introduction of a visitor attraction to the town. It is considered that the proposed development complies with the relevant Local Development Framework policy in terms of the principle of development, access, ecology, design, amenity, highways and is otherwise in accordance with local and national policy requirements. unless otherwise approved in writing by the Local Planning Authority.

6.0 Recommendation

- 6.1 That subject to any outstanding consultations permission 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. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing 3904/PD/6A and 07received by Hambleton District Council on 8.4.2021 and the parameter plan 3904/PD/11A 07received by Hambleton District Council on 16.7.2021 unless otherwise approved in writing by the Local Planning Authority.
 3. No lighting shall be provided within the area of the approved development or on any of the sculptures.
 4. Prior to the use of the area shall be the subject of an operational management plan to protect the grounds and trees within the curtilage of Thirsk Hall. The approved details shall remain in force unless otherwise approved by the Local Planning Authority.

5. The opening hours of the approved development shall be 11am to 5pm daily unless otherwise approved in writing by the Local Planning Authority.
6. No sculpture shall be greater than 6 metres in height as noted on the approved parameters plan. Furthermore, no sculpture shall be illuminated/contain lighting, contain any moving mechanical parts and shall not omit any amplified noise.
7. No parking areas shall be laid out or brought in to use for the purposes of the approved “sculpture park” and associated functions, other than in complete accordance with an approved scheme that has previously been submitted to and approved in writing by the Local Planning Authority. All such parking areas that are provided shall be operated in accordance with the approved scheme.

Reasons

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 Policies CP17 and DP32.
3. This condition is imposed in accordance with Section 16 of the NPPF as the site is of archaeological interest and Local Development Framework Policies CP16 and DP28.
4. To ensure the development is appropriate to the context in accordance with Local Development Framework Policies CP1, CP16 and DP1 and DP28.
5. To safeguard the amenity of the locality.
6. 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 CP17 and DP32.
7. To safeguard the amenity of the locality.