

Parish: Thirsk

Ward: Thirsk

15

15/01000/FUL

Committee Date : 17 September 2015

Officer dealing : S Leeming

Target Date: 15 July 2015

Demolition of office building and construction of 5 dwellings and associated infrastructure.

**at St James Lodge Masonic Lane Thirsk North Yorkshire
for St. James Management Company.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 This application seeks permission to demolish an existing office building, St James Lodge, Masonic Lane, Thirsk, and to construct 5 dwellings on the site.

1.2 The dwellings are proposed as a pair of semi-detached 2 storey dwellings at the front of the site and a terrace of three 4 storey dwellings at the rear. Vehicular access is proposed to the side of the site leading around the rear of the frontage dwellings where 2 parking spaces are proposed to serve the 2 dwellings. Parking for the terraced dwellings is proposed to be a single space within the ground floor integral garages with access across the front of the terrace. Overall there are proposed to be 5 parking spaces in total for the 5 dwellings.

1.3 The pair of dwellings on the frontage are designed with a single central chimney and bay windows at ground floor. These dwellings which are 2 bedroomed have been provided with no external amenity space although a small communal area for wheelie bins has been proposed. The terraced dwellings to the rear each have a ground floor entrance, store, utility and WC and single parking space and 3 floors of living and 3 bedroom in a building 10.5m high. Each has an external terrace area at first floor to the rear.

1.4 The site is within the Conservation Area and is surrounded by Listed Buildings with a high number of the adjacent properties along Kirkgate being listed (7 to 15a Kirkgate are Listed Grade II). Adjacent to the site to the west is The Bungalow, a dwelling sited on raised ground. The site itself is flat and occupied at present by a modern brick built office building (understood to be vacant at present) with parking to the front. There is a high retaining wall forming the rear boundary of the site with the land beyond at a higher level.

2.0 RELEVANT HISTORY

2.1 None relevant

3.0 RELEVANT PLANNING POLICIES:

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

Development Policies DP1 - Protecting amenity

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

Development Policies DP28 - Conservation

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP32 - General design

4.0 CONSULTATIONS

4.1 Town Council - wish to see approved

4.2 NYCC Highways- conditions recommended

4.3 NYCC Archaeology- "The proposed development lies within an area of archaeological interest and potential, adjacent to the scheduled Monument of Thirsk Castle, (NHLE 1008761). This is an area of national archaeological importance designated under the 1979 Ancient Monuments and Archaeological Areas Act. There is the potential for the survival of archaeological remains dating from the Medieval period or earlier within the development area. I agree with the advice given by English Heritage (now Historic England) this application that a scheme of archaeological mitigation should be carried out." An archaeological watching brief condition is therefore recommended.

4.4 Historic England – Recommends that the application can be determined with a condition for an appropriate level of archaeological mitigation.

Historic England advise that the documentation does not refer to the neighbouring Scheduled Monument and did not set out any assessment of the impact of the proposal on the significant of the castle. There was no reference to archaeological mitigation in advance of or during the construction phase. In earlier advice Historic England has advised that there was a need for appropriate archaeological mitigation and this is restated.

Historic England consider that the proposal meets the aims and objectives of the NPPF notably the principles relating to high quality design, enhancing the character of different areas and understanding the value of town centres.

4.5 Environmental Health – No objections

4.6 Neighbours - 2 letters of objection received. Concerns include - overlooking and very close to the single storey dwellings of Picks Court, overdevelopment of a small site, adverse impact on the Estate Agents building which adjoins the site, the dwellings "will dominate the skyline" within the Conservation Area and their 4 storey height and proposed balconies are "idiotic" and "ridiculous" in this location due to loss of light and privacy and noise.

5.0 OBSERVATIONS

5.1 The main issues for consideration in this case relate to the historic importance of this site, being located within the Thirsk and Sowerby Conservation Area, close to Thirsk Castle Scheduled Monument and in the proximity of the Listed Buildings at 7 – 15a Kirkgate. The principle of allowing residential development on this site, the design of the buildings, assessing any impact upon highway safety, and neighbour amenity are also important considerations.

Heritage issues

5.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in determining a planning application for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

5.3 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.

5.4 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 and requires that harm should be weighed against the public benefits of the proposal, including securing the optimum viable use of the building.

5.5 The existing building does not contribute positively to the character and appearance of the Thirsk and Sowerby Conservation Area. Whilst there would be no objection in principle to its demolition, as noted above care must be taken to ensure that any replacement development does contribute positively in accordance with the requirements of Policies CP16 and DP28 the Act and NPPF as set out above. The applicant has not undertaken an assessment of the potential archaeological importance of the site beyond the observation that any archaeological remains would have been disturbed and potentially destroyed during construction of the existing warehouse building (Planning Statement paragraph 8.14). This falls short of the standard of assessment required and in the event of a resolution to grant planning permission further investigation and mitigation proposals should be required.

5.6 Regarding the context of this site, as already stated, this site falls within the Conservation Area where the adjacent properties along Kirkgate are Listed and an adjacent small building (currently an Estate Agents) is not Listed but due to its setting in the views across the Conservation Area is considered to be a building of heritage interest. As such this proposal must pay full regard to this historic context and to the views in all directions including views of the roofscapes. There is a major concern that as proposed this development will obscure the rear roofscape of the Listed properties on Kirkgate, these are currently visible from Masonic Lane, the development may also compromise views towards 37 Market Place from Masonic Lane, which is a building of local interest. The view from the junction of Kirkgate and Masonic Lane must also be carefully considered within its historic setting. The loss of such important views will have a significant detrimental impact upon the character and appearance of the Conservation Area and upon the historic character of the Listed Buildings and their setting, for this reason the proposal is contrary to Policies CP16 and DP28.

Principle of residential development

5.7 The site is located within the Development Limits of Thirsk in a location that has access to a wide range of facilities within walking distance. Public transport is available within walking distance. The location scores highly in terms of locational sustainability as set out in the suite of LDF Policies particularly at CP1, CP2, DP3 and DP4.

Design

5.8 The design for the site is of a high density of development including relatively tall buildings and a reliance on hard landscaping and very little open space. The resulting layout is considered to be overdevelopment as it does not provide a sufficient level of open space for amenity of residents, no outdoor private amenity space, inadequate parking for vehicles.

5.9 The layout is considered to be cramped providing very little opportunity to use the outdoor space for anything other than parking and storage of waste and recycling bins. The requirements of the LDF seek to provide at Policy CP1 iii, development that protects and enhances the health, well-being and amenity of the population. Provision of appropriate outdoor amenity space as part of schemes of residential development, particularly units of medium sized housing is considered to be an important part of meeting the objective of CP1 iii. Policy DP1 reinforces the wording of CP1 stating that "Development must make provision for the basic amenity needs of occupants and /or users, including where appropriate level of open space for the use of occupants/users of the development". The scheme is considered to fail to meet the requirements of policies CP1 and DP1.

5.10 The layout of the parking and turning space leaves significant concern regarding the accessibility of parking space. In the event that any vehicle is parked outside of the 3 town houses this has the potential to obstruct access to other parking spaces. As there is only one space per dwelling it is envisaged that demand for parking spaces will be greater than the space available. It is shown on the layout that the occupants of plots 3 and 4 would be totally reliant on the occupants of plots 4 and 5 using their garages for parking only and

leaving their frontages/driveways clear so that access can be achieved to their parking spaces. The Council does not have adopted parking standards, the level of provision is to be determined on the basis of highway safety as set out in policy DP3 that seeks:

“minimum levels of car parking, commensurate with road safety, the reduction of congestion, and the availability of alternative means of transport”

5.11 It is noted that NYCC Highways have no objections to this layout. However, the consideration of the Highway Authority is primarily about the operation of the highway network. The impracticality of the layout of the site may not impact directly upon the free-flow of traffic on the highway. The additional pressure for on-street parking due to an inadequate level of parking on site and the issues for neighbour amenity about the usability of the parking layout is an issue for the Planning Authority as set out in DP3. The roads close to the site are the subject of parking restrictions and are already heavily used for on-street parking by existing residents. As noted above the site is well served by public transport and this may reduce the reliance on the car but may not reduce the demand for parking space.

5.12 It is considered that the scale, height and design of the proposed dwellings should have reference to and respect the character and appearance of the Thirsk and Sowerby Conservation Area and the historic context set by the nearby Listed Buildings. There is no precedent within the vicinity or context of this site for dwellings with garaging below or for Juliette balconies on the frontage. Whilst the front of the town house units would only be glimpsed from Masonic Lane the scheme results in a "dead" frontage at ground floor level and will not contribute positively to the street scene. The ground floor is a place where particular care should be taken to provide respectful design and sensitive use of materials. The bay windows on the semi-detached houses are also not a feature of this area. In order to respect the historic roofscape the dwellings should each have a chimney, traditionally placed and the dormer windows (whilst now replaced with roof lights) should be smaller and set down lower in the roof. As proposed the scheme is considered to fail to achieve a high quality of design and does not protect or enhance the character of the Conservation Area and is therefore contrary to LDF Policies CP16, DP28, CP17 and DP32.

Neighbour amenity

5.13 The scheme would have impacts upon the amenity of neighbouring property by the removal of the existing structure as well as the construction of new property. The impacts are largely due to the massing of the proposed buildings and changed patterns of shading to neighbouring property on Kirkgate and some change in the outlook on neighbouring property, however none of these changes are considered to be harmful or present a breach of the terms of Policies CP1 and DP1 in terms of the protection of neighbour amenity.

Conclusion

5.14 Refusal is recommended for this proposal, although an alternative proposal, more appropriate to the historic context in scale, form and design might prove acceptable. The Agent was advised of the above concerns in June and again following a site meeting in July. It was suggested to the Agent that they consider developing this site as a traditional Thirsk mews development. Locally developments at Picks Court, Croft View and Castle Yard opposite are considered good examples of what might be appropriate here. Amendments have been received proposing roof lights as opposed to dormer windows to the front of the terraced dwellings. This falls substantially short of the amendments required to make the scheme acceptable under the policies noted above.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **REFUSED**

1. The proposed development is contrary to LDF Policies CP16 and DP28 due to position, height and size of the proposed building that would result in the loss of important views of buildings within the Thirsk and Sowerby Conservation Area such that the development will have a significant detrimental impact upon the character and appearance of the Thirsk and Sowerby Conservation Area, neighbouring Listed Buildings and their setting.

2. The proposed development is contrary to LDF Development Policies CP16, DP28, CP17 and DP32 as the height, scale, layout and design of the proposed buildings fail to respect the character and appearance of the Conservation Area and historic context of the site. The development will result in an unacceptable harmful impact upon the character and appearance of the Thirsk and Sowerby Conservation Area.

3. The layout of the site is contrary to LDF Policies CP1 and DP1 and DP3 as the proposal fails to make provision for the basic amenity needs of occupants, including a lack of an appropriate level of open space for the use of occupants and fails to provide a practical layout and sufficient amount of on-site car parking provision.