

Parish: Thirsk  
Ward: Thirsk

Committee date: 4 August 2022  
Officer dealing: Mr A Cotton  
Target date:

**5**

**22/00166/FUL**

**Demolition of existing structures and construction of 9no dwellings and associated parking and landscaping**

**At: Land to the South of Station Road, Thirsk, North Yorkshire, YO7 4LS**

**For: Frontline Estates Ltd**

**This application is referred to Planning Committee due to significant public interest**

**1.0 Site, context and proposal**

- 1.1 The application site comprises 0.36-hectare piece of land to the south of Station Road, Thirsk. The site lies just beyond the settlement limits of Thirsk. The site currently comprises 3no. shed (one being used for car repair and maintenance purposes and the other two being general storage), a shipping container and a caravan along with areas of hardstanding.
- 1.2 This application seeks full planning permission for demolition of existing structures and the construction of 9no. dwellings along with associated parking and landscaping.
- 1.3 The layout of the proposed development has been amended during the lifetime of this application. Officers initially raised concerns regarding the layout and the interface distances which would result. The applicant has worked with officers to address concerns and submitted an amended layout.
- 1.4 The site layout would facilitate access through the site from Station Road and provide a link to the boundary of the site to provide ease of access to the Public Right of Way which runs just to the rear of the site boundary.

**2.0 Relevant planning and enforcement history**

- 2.1 None relevant.

**3.0 Relevant planning policies**

- 3.1 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 out 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 relevant policies are:

S1 – Sustainable development principles  
S2 – Strategic priorities and urban requirements  
S3 – Spatial distribution  
S5 – Development in the countryside  
HG2 - Delivering the right type of homes  
HG3 - Affordable housing requirement  
HG5 – Windfall housing development

E1 - Design  
E2 - Amenity  
E3 - The natural environment  
IC2 – Transport and accessibility  
RM1 – Water quality, supply, and foul drainage  
RM2 – Flood risk  
RM3 – Surface water and drainage management

Supplementary Planning Document - Size, type and tenure of new homes –  
adopted September 2015

National Planning Policy Framework

#### **4.0 Consultations**

- 4.1 Sowerby Parish Council – Wish to see the application approved.
- 4.2 Thirsk Parish Council – No comments received.
- 4.3 Natural England – No comments to make.
- 4.4 Highways -No comments received to date.
- 4.5 Ministry of Defence – No safeguarding objection subject to condition that noise mitigation measures are adhered to and an informative is added.
- 4.6 Street naming and numbering – An application would be required.
- 4.7 Yorkshire Water – No objection subject to conditions.
- 4.8 Environmental Health (amenity) – A noise impact assessment should be carried out an submitted prior to determination and a condition should be included to secure a construction management plan. Reconsulted but no additional commented received.
- 4.9 Public Rights of Way – no objections subject to standard informative
- 4.10 Environmental Health (contam land) – Phase 1 survey submitted and identifies various risks which will need further investigation. Conditions recommended.
- 4.11 Public comments – Initial round of consultation based on the originally submitted plans. 10 no. objections received raising the following points which are summarised below:
  - Concern over interface distances proposed/loss of privacy;
  - Loss of view;
  - Loss of natural light/overshadowing;
  - Drainage;
  - Loss of privacy/overlooking;
  - Noise and disturbance.

A second round of consultation was carried out on the amended layout and 2no. objections were received raising the following points which are summarised below:

- Loss of natural light/overshadowing;
- Loss of privacy/overlooking.

## 5.0 Analysis

- 5.1 The main issues for consideration relate to (i) the principle of development (ii) affordable housing (iii) character, appearance and design; (iv) residential amenity; (v) highway safety; (vi) flood risk and drainage; (vii) ecology; and (viii) noise.

Principle of development

- 5.2 The application site lies outside of the Development Limit boundary of Thirsk which is identified as a Market Town under policy S3. As Thirsk is defined as a Market Town this means it is a sustainable place for new development. The settlement is immediately adjacent to the site with the site being in very close proximity to Thirsk Station. Policy HG5 provides support for windfall housing development adjacent to the boundary of a defined settlement, where it is demonstrated the criteria a-e are met. Criteria a-e are set out below:

- a sequential approach to site selection has been taken where it can be demonstrated that there is no suitable and viable previously developed land available within the built form of the village; and
- it will provide a housing mix in terms of size, type and tenure, in accordance with the Council's Housing and Economic Development Needs Assessment (HEDNA) and Strategic Housing Market Assessment (SHMA) or successor documents.

All proposals will individually or cumulatively;

- represent incremental growth of the village that is commensurate to its size, scale, role and function;
- not result in the loss of open space that is important to the historic form and layout of the village; and
- have no detrimental impact on the character and appearance of the village, surrounding area and countryside or result in the loss of countryside that makes a significant contribution to the character or setting of that part of the village.

- 5.3 The applicant has carried out a site search considering previously developed land which is commensurate with the size of the development within the settlement boundary of Thirsk. No suitable or visible sites were able to be identified. The applicant has satisfied criteria a.
- 5.4 With regard to criteria b the applicant proposes a mix of dwellings predominantly comprising 2 and 3 bed units (77.8%) which is in accordance with both the Council's Housing and Economic Development Needs Assessment (HEDNA) and Strategic Housing Market Assessment (SHMA). All dwellings have been designed to meet Nationally Described Space Standards (NDSS). The table below sets out the mix of housing provided.

House Type	No. of Beds	No. of units	Percentage

Semi-detached	2	2	22.2
Semi-detached	3	4	44.4
Detached	3	1	11.1
Detached	4	2	22.2

- 5.5 When considering the site both individually and cumulatively with surrounding planning permissions, the proposal is considered to represent incremental growth commensurate to the size, scale, role and function of the settlement which would not result in the loss of open space that is important to the historic form and layout of the town and is not considered to have a detrimental impact on the character and appearance of the Town, surrounding area. As such the proposal is considered to accord with criteria c-e of Local Plan policy HG5, although it should be noted criterion e is discussed in more detail in the character, design and appearance section below.
- 5.6 It should also be noted that the site is already occupied by built form as set out in the site description section of this report and as such it is considered that the site currently in relates well in visual terms with the built form of the settlement rather than that of the countryside surrounding. The existing site is in a poor condition and does not visually enhance the appearance of the settlement or the wider landscape therefore the removal of the existing built form on the site and redevelopment for residential purposes would constitute an improvement.
- 5.7 Therefore it is considered that the principle of a new residential dwellings within this location is acceptable in accordance with policy S1, S2, S3, S5 and HG5 of the Local Plan.

#### Affordable housing

- 5.8 Policy HG3 of the Hambleton Local Plan requires all developments of market housing to provide affordable housing unless it is for 9 or less units. The proposal is for 9 units and as such in itself does not trigger an affordable housing requirement. Policy HG3 does also allow the council to consider housing developments which form part of a wider development cumulatively. It has been considered as to whether this application should be assessed in combination with any other nearby developments. However, it is considered that there is no reasonable evidence to demonstrate that the site should not be considered cumulatively with any nearby sites when considering affordable housing requirements.

#### Character, appearance and design

- 5.9 Criterion e of Policy HG5 considers impact to the character and appearance of both built form of the settlement but also to the open countryside.
- 5.10 The development comprises the construction of 9 dwellings which would be considered relatively small in scale. The site is adjacent to the Development Limits of Thirsk with a residential housing estate to the immediate east (Olivette Crescent) and residential dwellings and a public house flanking the main road into Thirsk to the north west of the site. It would not therefore appear independent of the Town.

It is considered that the proposal responds well to the form and character of the Town and would reflect the form and arrangement of the residential estate to the east (Olivette Crescent). As such the proposal would meet the requirements of criterion e of HG5 and would accord with the aims of sustainable development.

- 5.11 As mentioned in the principle section above the site is already occupied by built form as set out in the site description section of this report and as such it is considered that the site currently in relates well in visual terms with the built form of the settlement rather than that of the countryside surrounding. The existing site is in a poor condition and does not visually enhance the appearance of the settlement or the wider landscape. It is considered that the proposal would not be detrimental to the natural environment in this manner. The submitted plans demonstrate the site can accommodate 9no. dwellings with suitable amounts of private residential amenity space and parking sympathetic to the existing character of the settlement. The submitted details shows the site is capable of accommodating dwellings which reflects the plot size to dwelling ratio found within the local settings including the nearby recent development of Olivette Crescent.
- 5.12 The proposal comprises 9no. dwellings which would all be two storey in height. The land to the east (Olivette Crescent) is at a higher level which is shown on the site sections (drawing ref 3210-1-009 E) with the resultant overall ridge heights proposed comparable to the dwellings on Olivette Crescent as a result. The proposal includes a mix of property sizes which range from 2 to 4 bedrooms which have been designed to meet Nationally Described Space Standards. Overall, the scale of the dwellings proposed is considered acceptable and offers a range of dwelling sizes in line with policy HG2 and the size type and tenure SPD.
- 5.13 In terms of the design and materials of the proposed dwellings the applicant has indicated a material palette consisting of brick, render, tile and a mix of wooden and brick boundary enclosures. Considering the materials palette of the nearby built form and the location of the site the proposed materials palette is considered to be acceptable. The design of the properties is relatively traditional with lintel and brick coursing details, chimneys and a variation in style which will provide some visual interest. Overall the design of the properties is considered to be acceptable and will assimilate well with the character of the surrounding area.
- 5.14 Landscaping often helps new dwellings integrate into their setting. Landscaping is shown to some degree on the proposed site layout, which in a broad sense is acceptable however lacking in more specific details (planting type, species, number etc). In this case this is considered acceptable subject to a condition to ensure a detailed landscaping scheme is submitted and implement prior to occupation of the first dwelling.
- 5.15 Given the above it is considered that this scheme is able to comply with policy E1 of the Hambleton Local Plan.

#### Residential amenity

- 5.16 The application is for residential development of 9no. dwellings. The proposed site plan shows that the number of dwellings proposed could be accommodated within the site whilst maintaining suitable separation distances from existing properties to the east. The interface distances between plots 1-7 and no.59 - no.50 Olivette Crescent would range from 20.3m to 20.4m between facing rear elevations. Plots 8

and 9 would be sited at approximately 90 degrees to the properties no.46 - no.49 Olivette Crescent. Plot 8 would be 15.5m and plot 9 would be 24.6m from the rear elevation of these properties on Olivette Crescent however due to the orientation as set out above this distance would be to the side elevation of these plots at their closest point. Plot 8 would sit adjacent, albeit at a slight angle away from, the boundary of No.45 Olivette Crescent which is a bungalow property. Plot 8 would introduce an interface distance between the side elevation of no.45 Olivette Crescent and itself of between 8.4m and 5.4m due to the angled nature of its siting. This side elevation of no.45 contains one window serving a bathroom and the occupier has utilised a side area of amenity space for a patio. The proposed side elevation of plot 8 would contain an access door at ground floor level and an obscurely glazed window serving a bathroom at first floor level. Whilst it is acknowledged that the introduction of the 2 story property proposed at plot 8 would alter the neighbouring residents view, and result in some shadowing in the late afternoon and evening of the side area of no.45, it would not lead to detrimental overshadowing or overbearing impacts upon habitable rooms or the properties main rear amenity space due to its siting, orientation and separation distance. Additionally, it is noted that both plot 8 and no.45 Olivette Crescent would sit adjacent to each other and their rear amenity spaces would face south, allowing them both adequate access to natural light and outlook.

- 5.17 Adequate provision of private amenity space and bin storage is set out for each dwelling. The proposal is considered to accord with Policy E2 of the Hambleton Local Plan.

Highway safety

- 5.18 The existing site access would be improved to facilitate the development with visibility splays provided which would accord with the Manual for Streets standards. A number of conditions are recommended to be imposed in relation to details of measures to mitigate surface water run off onto the highway, construction of the site access, provision of visibility splays, provision of access, turning and parking areas, and construction management plan details.
- 5.19 It is not considered that the vehicle trips generated from a development of 9 units would represent an increase be so significant over and above the current trips resulting from the sites current use that it would result in any highway safety or operation concerns. With regard to parking each plot would be provided with 2 in curtilage parking spaces as such it is considered that adequate provision is made for the parking of cars within the site.
- 5.20 There is a Public Right of Way (PROW) which runs to the west and south of the site. The POW is not affected by the proposed development. The councils PROW team have commented on the application raising no objections subject to an informative. The PROW consists of a worn dirt path through the grass fields. The applicant has provided an access through the site up to the rear site boundary to facilitate a connection to the PROW through the site from Station Road. This would in practice mean that users would be able to utilise a made pathway up to the rear boundary of the site and then cross a small patch of grass on to the unmade dirt path of the existing PROW. It is considered that this is both appropriate and reasonable in this instance.

## Flood risk and drainage

- 5.21 The site is located in Flood Risk Zone 1 and as such is at the lowest risk of flooding.
- 5.22 A drainage feasibility report was submitted with the application which sets out a strategy for dealing with foul and surface water for the development. Foul water/sewage will be discharged into the public sewer. Policy RM1 states proposal will only be permitted where (b) there is or will be adequate water supply and treatment capacity in place to serve the development. The proposal has been assessed by Yorkshire Water (YW) who have raised no objection to the proposal subject to a condition.
- 5.23 Concerns have been raised also with regard to surface water. The drainage feasibility report submitted sets out that surface water drainage via soakaways is viable on this site and the proposals will not increase the risk of flooding either on or off site subject to the implementation of the drainage scheme based on the recommendations and design principles set out in the submitted Drainage Strategy.
- 5.24 The applicant has provided sufficient information to demonstrate the proposed methods of dealing with both foul and surface water drainage are both feasible and accord with Policies RM1, RM2 and RM3 of the Hambleton Local Plan. Therefore subject to the inclusion of conditions the proposal is acceptable with regards to flood risk and drainage.

## Ecology

- 5.25 A preliminary Ecological Appraisal (PEA), Biodiversity Net Gain (BNG) assessment and Biodiversity Enhancement Plan have been submitted in support of the proposal. The PEA considers the site is of low ecological value as such the development of the site is not considered to have a detrimental impact upon local flora and fauna. The PEA concludes that there will not be a significant impact to protected species or habitats as a result of the proposed works. A number of mitigation and enhancement measures are recommended. The BNG assessment demonstrates that subject to the implementation of measures as set out in the Biodiversity Management Plan the site would achieve biodiversity net gain in line with Local Plan Policy E3. Appropriate conditions will secure these enhancements.

## Noise

- 5.26 A Noise Impact Assessment (NIA) has been submitted to consider noise impacts upon future occupiers given then sites proximity to a military airbase. The Nia demonstrates that suitable internal noise levels will be achieved post development subject to implementation of recommendations. The Ministry of Defence has reviewed the submitted NIA and concurs with its findings and concludes that subject to the implementation of recommendations made the proposed dwellings would not be negatively impacted by noise.

## Conclusion

- 5.27 Due to its size and location the site is capable of accommodating the proposed dwellings without unacceptable harm to the surroundings or the amenities of neighbours or road safety and is able to comply with the relevant policies of the Hambleton Local Plan.

## 6.0 Recommendation

That subject to any outstanding consultations the application be **Granted** subject to the following condition(s)

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 location plan refs:

3210-1-004 A House Type A  
3210-1-005 B House Type B  
3210-1-006 C House Type C  
3210-1-007 B House Type D  
3210-1-008 B House Type D Variant  
002A Site Access Arrangements  
T001 Transport Statement  
DR-C-0100 P1 Drainage Strategy  
3210-1-002 A Demolition plan

as received by the Local Planning Authority on 25 January 2022 and plan refs:

3210-1-003-M Proposed Site Layout  
3210-1-009-D Proposed Streetscene

as received by the Local Planning Authority on 24 June 2022 unless otherwise approved in writing by the Local Planning Authority.

3. Prior to their first use on site details and samples of the materials to be used in the construction of the walls and roofs of the proposed dwellings shall be submitted to and approved in writing by the Local Plan Authority. The development shall the be constructed using only the approved materials.
4. Prior to any above ground development, a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, shall be submitted to and approved by the Local Planning Authority. No dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situate within the curtilage of that dwelling have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
5. The development must not be brought into use until the accesses to the site has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:

The crossing of the highway verge and/or footway must be constructed in accordance with the approved details and/or Standard Detail number A1 and the following requirements.

- Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway must be constructed in accordance with the approved details and maintained thereafter to prevent such discharges.

All works must accord with the approved details.

6. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing highway, together with a programme for their implementation, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.
7. There must be no access or egress by any vehicles between the highway and the application site until splays are provided giving clear visibility of 43.00 metres measured along both channel lines of the major road from a point measured 2.40 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
8. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
9. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan.

The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. details of any temporary construction access to the site including measures for removal following completion of construction works;
  2. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
  3. the parking of contractors' site operatives and visitor's vehicles;
  4. areas for storage of plant and materials used in constructing the development clear of the highway;
  5. Details for management of dust and demolition works;
  5. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
10. Notwithstanding any details approved, the boundary treatments shall include suitable holes (13cm x 13cm) at ground level to allow for movement of hedgehogs.

The hedgehog holes thereafter shall be maintained for the intended purpose and shall not be blocked or removed.

11. The enhancement measures including construction, post construction and long terms set out in the biodiversity enhancement plan ref PC21063/BEP/1.1 shall be implemented in full and retained thereafter.

12. Foul and surface water drainage of the site shall be designed and implemented in accordance with the details contained within the drainage strategy prepared by Topping Engineers ref DR-C-0100 P1.

13. Foul and surface water shall be drained on separate systems.

14. No development shall be commenced until a Phase 2 assessment of the risks posed by contamination, carried out in line with the Environment Agency's Procedures for Land Contamination Risk Management (LCRM), has been submitted to and approved by the local planning authority.

Where contamination is suspected, no development shall be commenced until a Phase 2 assessment of the risks posed by contamination, carried out in line with the Environment Agency's Procedures for Land Contamination Risk Management (LCRM), has been submitted to and approved by the local planning authority.

15. Prior to development, where a requirement is identified, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

16. Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

17. In the event that unexpected contamination is found at any time when carrying out any approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

18. Mitigations measures as set out in the Noise Impact Assessment shall be incorporated into the construction of the site/each plot as detailed within Dragonfly Consulting Noise Impact Assessment ref DC3858-R1v2.

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. For the avoidance of doubt and to ensure the development is compatible with the immediate surroundings of the site and the area as a whole.
3. 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 Policy E1 of the Local Plan.
4. In order to soften the visual appearance of the development and provide enhancement of the surrounding area and ensure the site achieves biodiversity net gain in accordance with policy E3 of the Local Plan.
5. To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users
6. In the interests of highway safety.
7. In the interests of highway safety.
8. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
9. In the interest of public safety and amenity
10. To enhance the ecological value of the site and demonstrate net gain in accordance with Policy E3 of the Hambleton Local Plan.
11. To enhance the ecological value of the site and demonstrate net gain in accordance with Policy E3 of the Hambleton Local Plan.
12. To ensure adequate and suitable drainage of the site in accordance with Policy RM1 of the Hambleton Local Plan.
13. To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network.
14. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
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18. In order to ensure a suitable level of amenity for future occupiers.